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Animal Hoarding:

*Structuring interdisciplinary responses to
help people, animals and communities at risk*



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This report is the result of a forum held on Saturday, April 3rd, 2004 in Boston, MA, at the MSPCA/Angell Animal Medical Center. The forum was hosted by the Hoarding of Animals Research Consortium (HARC) and included invited experts in animal hoarding from across the US.

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For further information on animal hoarding, to download an electronic copy of this report, or to order a printed, bound copy, please visit the HARC website at www.usfa.edu/etcf/aharding.

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OVERVIEW

The Case for a New Approach to the Problem of Animal Hoarding

Animal hoarding is an important, misunderstood, and under-recognized community problem that affects both human and animal welfare. It is responsible for substantial animal suffering and property damage. Often associated with adult self-neglect, animal hoarding can also place children, elders, and dependent adults at serious risk and can be an economic burden to taxpayers.

Animal hoarding is defined by four characteristics:

- ▶ **failure** to provide minimal standards of sanitation, space, nutrition, and veterinary care for the animals;
- ▶ **inability** to recognize the effects of this failure on the welfare of the animals, human members of the household, and the environment;
- ▶ **obsessive** attempts to accumulate or maintain a collection of animals in the face of progressively deteriorating conditions, and
- ▶ **denial** or minimization of problems and living conditions for people and animals.

Situations meeting this definition are pervasive. Animal hoarding occurs in every community, and thousands of cases, involving hundreds of thousands of animal victims, are reported every year. Even more cases are likely to go undetected or unreported. In spite of the frequency and cost of these cases, most communities are woefully unprepared to handle animal hoarding cases effectively once they occur, and few, if any, have any preventive strategies in place. Because the implications of animal hoarding for human health and welfare are not widely appreciated, these cases are frequently left to animal shelters and humane societies to resolve through prosecution for cruelty to animals. Ignoring the multi-faceted nature of animal hoarding, this approach often fails, which results in almost complete recidivism.

There are two reasons why typical interventions fail to prevent recidivism. First, although prosecution can play an important role, particularly in achieving prompt removal and rescue of the animal victims, it does not address the human mental health component of this behavior nor necessarily decrease the likelihood of recidivism. Second, animal welfare agencies are often ill-prepared to negotiate the bureaucratic terrain of state and local regulatory bodies and municipal agencies, which need to be mobilized in a well-coordinated manner to achieve an effective intervention. These may include community mental health and social services, public health and sanitation, zoning boards,

police, animal law enforcement and probation, among others. Unfortunately, there is little history of municipal agencies, human health infrastructure, and animal welfare agencies working in concert. Without an interdisciplinary approach that can draw on a variety of solutions, it is no surprise that recidivism in animal hoarding cases approaches 100%.

Effective animal hoarding solutions are often interdisciplinary: in an interdisciplinary approach, a range of private, municipal, and state agencies dedicated to animal, human, legal, health, and environmental concerns coordinate closely throughout the full scope of the case, from investigation, to resolution, to long-term monitoring. This collaborative approach offers the best prospect of decreasing recidivism.

The Hoarding of Animals Research Consortium (HARC) was established in 1997 in Massachusetts to better characterize the psychological and sociological underpinnings of animal hoarding; quantify the frequency and outcomes for animals, people, and communities; increase awareness; and develop improved strategies for intervention. This interdisciplinary research team includes a psychiatrist, a psychologist, three social workers, a sociologist, a veterinarian/epidemiologist, and a member of humane law enforcement.

Since its formation, HARC has published papers on animal hoarding in the peer-reviewed literature, written several sets of guidelines for intervention and case management, developed a web site for the public as well as human health professionals and animal welfare agencies, and has given hundreds of talks and media interviews to increase awareness of the problem. In a related effort, national animal welfare groups have done extensive outreach to the animal sheltering community, and have published guidelines for the immediate rescue of animals and gathering of evidence for prosecution. However, nothing comprehensive exists to guide communities or investigative agencies in developing an integrated approach that encompasses all stakeholders, including those who may not recognize their stakeholder status.

This manual is intended to fill that void. In this manual, HARC has brought together the work of nationally recognized experts to describe a comprehensive, integrated approach to the problem of animal hoarding: an approach that incorporates the viewpoints, needs, and contributions of all stakeholder agencies. This manual outlines a five-step process to create an integrated approach to animal hoarding.

Chapter One: Creating an Interdisciplinary Approach - Identifying and Working with Stakeholder Agencies

This chapter establishes the first step of the process: understanding the great variety of agency stakeholders that may be involved in an animal hoarding case. Who are these stakeholders? What resources can they provide, where do they overlap, and where do they conflict? Which group is best suited for which work, and what order should they work in? Most importantly, how can those involved in addressing the problem of animal hoarding get a comprehensive view of all agency stakeholders, understand how to work with each one effectively, and eventually bring these disparate resources together?

An integrated approach to animal hoarding cannot happen without the appropriate players working together, and the first step is to learn who the players are.

Chapter Two: Gaining Inter-Agency Cooperation to Create Interdisciplinary Responses

This chapter moves from a look at the individual stakeholders to a look at the possibilities available only through cooperation and integration. All the agency stakeholders have limited resources. And, they have varying and sometimes competing missions and triggers. Because successful interventions require these competing interests to work together, this chapter provides guidance to gaining cooperation through practical short-term and strategic long-term approaches.

Chapter Three: Understanding the Animal Hoarder - Types of Hoarders

This chapter turns its attention from the stakeholder agencies to the hoarders themselves. Just as the missions, triggers, and capabilities of agency stakeholders vary, the behaviors, motivations, and responses of hoarders vary. Handling all cases in the same way is no more effective than working with each agency in the same way. As a result, understanding the differences among hoarding types is critical to a successful outcome. This chapter provides an overview of types of hoarders.

Chapter Four: Matching Intervention Strategies to Types of Hoarders

Based on the knowledge of which agencies are available and appropriate to involve in the case, what level of cooperation exists among the agencies, and the characteristics of the hoarder, this chapter defines the next step. It discusses how to pursue an integrated intervention that is matched to the type of hoarder by defining legal, statutory, regulatory, and psychological approaches and offering tools within each approach.

Chapter Five: Decreasing the Likelihood of Recidivism

The final step in creating an integrated, targeted approach to animal hoarding is to focus on decreasing the likelihood of recidivism. Solving the immediate problem is important, but with recidivism rates of close to 100%, attending only to the immediate problem destines agencies, hoarders, animals, and communities to almost inevitable repetition of hoarding. This chapter details the last piece of work necessary to create a lasting, integrated approach and offers recommendations for involving additional stakeholders and tools for long-term change.

Appendices

These appendices provide model ordinances, sample inter-agency memoranda of understanding, and a statutory model for establishing a multidisciplinary team.

This manual seeks to educate a broad readership about the various roles of stakeholders in animal hoarding cases. Because of this diverse audience, it is necessary to explain the essential functions of each stakeholder and the role it could play in interdisciplinary collaboration. To experts in each field, these summaries may seem to oversimplify their work. However, it is our hope that this manual will be a tool to help all stakeholders in animal hoarding cases recognize how each fits in, and how they might work together more effectively.

Chapter One:

Creating an Interdisciplinary Approach - Identifying and Working with Stakeholder Agencies

Animal hoarding cases often involve dependent human victims - minor children, the disabled, and the elderly - and reveal evidence of adult self-neglect as well as risks to community health and welfare. A typical animal hoarding case may involve an elderly person suffering from psychological and/or physical problems, unable to provide care for him/herself or the animals, living in unsanitary, sub-standard conditions, with animals carrying infectious diseases that put the household and neighbors at risk for illness. This common scenario affects dependant adults, multiple animals, and the community, and involves health, mental health, legal, humane and housing issues.

In spite of the complex and interdisciplinary nature of most animal hoarding cases, the first line of approach to finding a solution is often one-dimensional, beginning and ending with animal welfare agencies. These agencies normally act alone, primarily utilizing state statutes prohibiting the cruel treatment and neglect of animals. This occurs for a number of reasons:

- ▶ It is not widely recognized how animal hoarding places people and communities, as well as animals, at risk.
- ▶ Concerns about hoarding as framed by complainants often focus on the animals; thus, their concerns appear outside the scope of agencies which deal with human health, welfare, and environmental problems. Reporters describe animal hoarding in ways that do not trigger responses from human social service agencies.
- ▶ People do not know that animal hoarding may be associated with, and perhaps caused by, a variety of physical and/or psychological disorders.
- ▶ Hoarded animals are typically viewed as the PROBLEM, as opposed to a SYMPTOM of a problem.
- ▶ Hoarders are often described by the media as pet owners who "love animals too much" or of well-meaning individuals who wanted to help unwanted animals by running a shelter or rescue effort but became overwhelmed.

- ▶ People do not know that animal hoarding does not occur with legitimate sheltering or rescue efforts which, by definition, meet the needs of the animals in their care.
- ▶ Animal agencies may be the most likely to respond and take responsibility for a hoarding case because the animal suffering is more obvious than other threats and risks.

These barriers, although prevalent, can be overcome. Overcoming these barriers begins with a thorough understanding of those affected by animal hoarding, knowing who can help, and what each stakeholder can contribute to the solution.

Many Agencies Play a Role in Addressing Animal Hoarding Cases and Other Stakeholder Agencies

Many agencies can play important roles in resolving animal hoarding cases and minimizing the risk of recidivism. Because an animal hoarding case can negatively affect so many aspects of human and community health and welfare, the potential list of stakeholders is broad. Agencies focusing on animal welfare, human health and mental health, housing, law enforcement, sanitation, and the environment have expertise and resources important to resolving animal hoarding cases.

Identifying stakeholder agencies and learning who can provide what type of help is an essential first step to a comprehensive and lasting solution. For example, animal agencies bring expertise in animal handling and care, but may not collect the type of information for the most effective prosecution critical to engaging other community agencies. Human health agencies may provide services for a dependent, elderly hoarder, but may advocate for the adult's desire to own animals even when an inability to provide adequate care has been demonstrated.

Knowing which agency does what is not enough; understanding how to navigate within each agency is equally important. Often, the first person who answers the phone is NOT the decision maker or primary responder. Even when a primary responder is identified, other internal barriers to cooperation may remain. Therefore, understanding agency structure and culture contributes to an integrated, comprehensive, and lasting solution to animal hoarding cases.

This chapter provides a guide to groups that may play a role in animal hoarding cases. These include, but are not limited to:

- ▶ agencies working on behalf of animals
- ▶ local law enforcement
- ▶ health and mental health departments
- ▶ social services
- ▶ code enforcement
- ▶ legal aid
- ▶ Department of Agriculture.

Every section offers information about the role each group can play and provides practical suggestions about whom to work with when, and how to increase the possibility of a comprehensive, rather than a segmented, response.

Because every community has many agencies and individuals working on behalf of animals, it can be difficult to determine the best agency to contact when animal hoarding is suspected. The most effective group will vary in each community, but the best advice is to begin with a local animal welfare agency that also has the legal power to investigate allegations of cruelty to animals and to enforce the anti-cruelty statutes. Agencies working on behalf on animals include:

Private humane societies with humane law enforcement agents

Municipal animal care and control agencies
animal wardens

National animal protection groups

Animal rights groups

Animal rescue groups

Private humane societies with humane law enforcement agents

The mission of these agencies is to protect animals and promote animal welfare. They usually accomplish this goal by accepting unwanted owned and stray animals, facilitating the adoption of animals, rehabilitating injured animals and/or animals with behavior problems, and providing humane education. The typical private humane society with humane law enforcement agents is a registered 501(c)(3) non-profit corporation administered by an Executive Director or manager and

governed locally by a Board of Directors. Although these agencies may have similar names (e.g., Humane Society, SPCA, Animal Protection League), each is independent. Most importantly, they are not subject to any national or regional oversight from organizations like the American Society for the Prevention of Cruelty to Animals (ASPCA) or the Humane Society of the United States (HSUS), nor do they receive any funds from these organizations to support their operations.

The law enforcement arm of these agencies may be overseen by a specially trained humane agent and staffed by individuals with specific training in both animal welfare and law enforcement. In some, but not all, states these agencies may be granted statutory powers to enforce animal cruelty laws, which exist by statute in each state. However, unless a private humane society has specifically contracted with its local municipality, county, town, or parish, it may not have the authority to enforce statutes or ordinances related to other animal issues such as animal control (e.g., picking up stray animals, licensing, pet limit laws, solving nuisance animal problems).

Animal cruelty laws

Each state in the US has laws prohibiting cruelty to animals and imposing upon caretakers a duty of providing minimal care. Although the laws may differ somewhat in each state, all states require that owners or caretakers of animals do the following:

- ▶ Provide adequate food and clean, potable water daily in sufficient quantities to maintain an animal's normal body weight.
- ▶ Provide shelter from the elements that will allow the animal to stay dry and maintain a normal body temperature.
- ▶ Provide a clean, sanitary environment free of animal feces, urine, and trash.
- ▶ Provide veterinary care necessary to relieve suffering from disease, injury, or illness.

In hoarding situations, some or all of these provisions are likely to be violated because animal cruelty statutes prohibit keeping animals in squalid situations. This is despite the fact that a competent adult might often be allowed to live in these conditions unless in violation of a public health or safety code. Therefore, these animal welfare statutes may provide an additional mode of intervention for an adult living in squalor.

Municipal animal control agencies

The mission of these agencies is first and foremost to protect public health and safety by keeping stray animals (particularly dogs) off the street, dealing with dangerous animals and nuisance complaints, and providing a place for the public to relinquish ill or unwanted pets. These agencies may exist as stand-alone departments in a municipality or be under the supervision of the police or sheriff's department. In some communities, there may be considerable overlap with the activities of a private humane society; however, the scope of the activities of a municipal agency may be more limited. For example, some municipal agencies may only enforce laws pertaining to dogs and may not have any enforcement power over cats; some may enforce animal cruelty laws in addition to animal control laws, and others may not. Therefore, the role of a municipal animal control agency in a hoarding case can vary greatly.

Animal wardens

Small towns which cannot afford a municipal shelter and full-service animal control program may instead employ an animal warden, often part-time. The training of an animal warden in the areas of animal care and welfare varies and may be limited. In many communities, these individuals are referred to as dog wardens because they only deal with dogs and issues surrounding dog control. The responsibilities of the animal warden are generally focused on enforcement of leash, licensing, and rabies laws. Occasionally, wardens also respond to nuisance complaints.

Nevertheless, because of their role, animal wardens may be first to recognize cases of animal hoarding. However, because of their limited authority, resources, and possibly expertise and training, animal wardens are not strong candidates as first responders to an animal hoarding case. Typically, reports of animal cruelty would be referred to another agency with statutory power to investigate.

National animal protection groups

A variety of animal protection groups work nationally and sometimes internationally on behalf of non-human animals. The Humane Society of the United States (HSUS) and the Animal Legal Defense Fund (ALDF) are two national animal protection groups that may be instrumental in providing additional expertise for addressing animal hoarding cases.

The Humane Society of the United States (HSUS)

Headquartered in Washington, DC, with a number of regional offices around the country, HSUS is by far the largest animal welfare group in the US. HSUS provides help for animal hoarding cases in two ways. First, HSUS provides expert advice to shelters preparing for animal abuse and neglect cases involving large numbers of victims. Using their advice, many shelters now are working to create community-wide task forces that can respond quickly to large cases. Second, HSUS has often provided direct assistance to local communities when a large hoarding case arises. Complex animal hoarding cases can overwhelm local animal shelters and communities with hundreds of animals. HSUS has coordinated placement of animals in other shelters, aided in establishing long-term mass housing arrangements while awaiting disposition of the case, and provided investigative and legal assistance. HSUS produced a video called "Animal Hoarding: A Community Task Force Solution" in 2004. It offers an introduction to the hoarding phenomenon as well as a glimpse of the severe conditions that can result from animal hoarding. The video and accompanying brochure emphasize the necessity of cooperation among local agencies to tackle the problem, and specifically address the 'how to' of setting up a community task force. The web link is: www.humanesociety.org/animals/hoarding

Although HSUS has made its expertise and resources available through expert advice and direct help in large cases, HSUS is not the agency to provide first line response or investigation. The first line of investigation rests with the appropriate local agency having jurisdiction, because HSUS does not have the power to enforce local or state animal cruelty statutes, nor can it become involved in resolving a routine local hoarding case. Its main number is 202-452-1100.

The Animal Legal Defense Fund (ALDF)

Headquartered in Petaluma, California, with offices in Portland, Oregon and Omaha, Nebraska, ALDF is a national non-profit law organization of lawyers, law students, law professors, and paralegals. ALDF's mission is to protect the lives and advance the interests of non-human animals through the legal system. Through its anti-cruelty division, ALDF regularly works with prosecutors and law enforcement to help prosecute animal abuse. All assistance is provided on a pro bono basis and can include legal

research as well as writing, developing case strategy, locating expert witnesses, training prosecutors and law enforcement personnel, and drafting forfeiture petitions. The anti-cruelty division number is 503-231-1602.

Animal rights groups

The mission of animal rights groups is to advance the status of non-human animals through education, legislation, and other forms of advocacy. These groups generally are not in the business of running a shelter and are not able to provide animal care or housing. However, they may be well connected to other animal welfare groups in the area and be a source of referrals, should foster care or other assistance be required in a hoarding case.

Animal rescue groups

These groups are networks of people who attempt to rehabilitate and place for adoption animals who are abused, neglected, unwanted, or otherwise at risk. Often, activities focus on specific species such as cats or birds or, for example, on specific breeds such as greyhounds, golden retrievers, or Siamese cats. Rescue groups typically do not have shelters, but may house animals in their homes or in foster homes during rehabilitation. They also may be well connected to similar groups around the country, and can be particularly helpful if a hoarding situation involves numerous animals of a specific type.

Animal welfare agencies play an early and important role in responding to animal hoarding cases. They provide expertise unavailable from other responders. As the long list of agencies indicates, several issues are important to consider when working with animal welfare agencies.

Rules of criminal procedure

Agencies with appropriate jurisdiction will intervene based on the authority granted through the animal cruelty statutes in their state (see sidebar). All of the rules of criminal procedure need to be scrupulously followed (e.g., evidence gathering, having probable cause that a crime has been committed, properly executed search warrants, citing for specific crimes covered by the statute and proving those crimes in a court of law) for effective intervention. Therefore, the power to obtain a conviction, to remove animals, or even to gain access to a property will be limited by

the available evidence, the reliability of witnesses, and other factors. As arms of the police, these agencies will need to follow the same stringent procedures and be bound by the same limitations as any other branch of law enforcement. For example, hearsay evidence, poor photographs, and outdated evidence may seem compelling to the lay person, but cannot be used successfully in court. Similarly, entering a private home without the expressed consent of the resident is an act that requires a search or inspection warrant unless there are specific provisions within a rental agreement stipulating the conditions for immediate entry, or police, fire, emergency, or another similarly designated authority is responding to an emergency.

Role of euthanasia

Unfortunately, if large numbers of sick and poorly socialized animals are suddenly received by a shelter, euthanasia may be the only realistic option. Some animals may not be rehabilitatable due to illness or debilitation, some may have communicable diseases, and others may have intractable behavior problems that would preclude placement in the community. Even when these conditions are not present, most animal shelters, in the best of circumstances, have many more animals than they can place for adoption. Humane euthanasia is seen as preferable to a life of suffering or to leading indirectly to the euthanasia of healthier and better socialized animals by long-term occupancy of cages that would otherwise house more adoptable animals.

"No-kill" shelters

In recent years, so-called "no-kill" or "limited admission" shelters have grown in popularity. Although a complete discussion of the issues at stake is beyond the scope of this chapter, the commonality among these groups is that they limit the use of euthanasia to only those animals deemed unadoptable, if they perform euthanasia at all. However, these shelters must necessarily limit their intakes to available space. People who promise otherwise may, in fact, be hoarders, or on their way to becoming hoarders. Many well-run limited admission shelters exist, but, unfortunately, masquerading as a "no-kill" shelter or sanctuary is becoming an increasingly common tactic among some hoarders to establish a semblance of legitimacy.

Well established, professionally run humane societies or SPCAs often have primary responsibility for responding to animal cruelty complaints. However, these organizations are not established in all communities. When humane

societies or SPCAs are not available, other types of law enforcement may be called upon to respond to concerns about animal mistreatment. Other law enforcement organizations that may respond to animal hoarding cases include: local police, state police, sheriffs, and district attorneys or local prosecutors. These professionals and organizations vary in the scope of their jurisdiction, their expertise in animal cruelty cases, and their ability to become involved in pursuing animal hoarding cases.

Local police

Local police are employed by a municipality, township, or parish, and carry jurisdiction within that geographic area only. Local police may be particularly helpful when city ordinances concerning animal care exist. However, many police officers are not highly trained in evaluating animal care or animal-related offenses, and may also be overextended investigating crimes against people. This may mean they are not able to give reports of animal problems a high priority.

State police

Although state police carry jurisdiction within their entire state, they generally get involved in municipal cases only under two conditions:

- ▶ their involvement is requested by local law enforcement, or
- ▶ the case is related to one in which they have primary jurisdiction.

As a result, state police are likely to become involved in an animal hoarding investigation only if other crimes were suspected or other police agencies were not available to respond.

Sheriff's department

Sheriffs are elected officials and carry authority across an entire county. In some areas, however, municipal police agencies cover territory within city limits while sheriffs cover unincorporated areas of the county. A county's animal control function may be part of the sheriff's department; in this case, animal control may serve the entire county even if the Sheriff only serves the incorporated areas. Legal evictions throughout the county may also be the responsibility of the sheriff.

District Attorney or local prosecutor

In most jurisdictions, the county or state prosecutor is elected. This person may be known as the District Attorney, State's Attorney, Prosecuting Attorney, or Commonwealth's Attorney. These elected officials employ deputies, who are usually the people with the authority to decide whether to issue a charge. Therefore, these prosecutors are critical to getting cases of animal cruelty and neglect prosecuted since they are, in effect, the gatekeepers of the justice system. Because there is rarely any avenue of appeal from a refusal to prosecute, understanding what prosecutors need to successfully prosecute an abuse or neglect case and why prosecutors should be involved early is all the more important in successfully pursuing an animal hoarding case. Specifically:

Prosecutors need cases brought to them by a recognized agency

Traditionally, prosecutors react to cases and evidence brought to them, rather than seeking out crimes. They review police or humane agents' reports forwarded to them for consideration and normally will not proceed with a criminal charge unless the case has first been investigated by some recognized agency. That does not mean pressure cannot be brought to bear, either directly or through the local prosecutor, to cause a local law enforcement agency (usually the city police or county sheriff) to investigate.

Prosecutors need strong, admissible evidence

The ability to effectively prosecute a hoarder case depends on the strength of the evidence gathered and its admissibility in court. In cases in which a high-level prosecutor will be involved, it is important to involve the State's Attorney or District Attorney from the start of an investigation. This will promote the following:

- ▶ a well done, thorough and legally sufficient investigation, with sound evidence, including witnesses able to testify to what they have personally observed;
- ▶ the most appropriate sentencing outcome, including the type of counseling needed, and
- ▶ a plea-bargained outcome with probation terms that best address the hoarder's circumstances.

Most importantly, making sure the investigation is done with the prosecutor's supervision will help secure the best outcome possible for the animals and will help the court determine if the hoarder's right to own animals should be limited or denied.

Prosecutors need a strong working relationship with investigating agencies

Establishing and then maintaining a working relationship with the prosecutor will provide the prosecutor the information needed for a successful outcome to an animal hoarding case. Specifically, a strong relationship during the animal hoarding investigation and case may:

- ▶ mean the evidence gathered from carrying out a search warrant, or the seizure of evidence and animals at the scene without a search warrant, will better withstand the defendant's motion to suppress the evidence;
- ▶ cause a more efficient accounting of needed evidence for each animal;
- ▶ ensure that gaps in evidence are addressed through further lab testing on the animals seized, for proof of diagnoses or other follow up techniques;
- ▶ mean the difference between filing many more charges of cruelty or neglect or the ability to seek felony level charges;
- ▶ mean that other criminal charges can be added to strengthen a prosecution, and
- ▶ result in a legally sufficient investigation leading to a confession or uncovering of evidence of further wrongful conduct.

Finally, pursuing an investigation with oversight from the prosecutor may help even after the case is completed. Prosecutors can help to ensure that animals are not returned to the hoarder; they can help with filing for a cost of care bond; and they can influence the terms of disposition in any pre- or post-seizure forfeiture. Pursuing an investigation with oversight from the prosecutor also may result in stronger convictions that allow for better tracking of the hoarder, who may seek to move to another location to start the hoarding again.

Whatever their jurisdiction, many police offices include two positions that can be helpful in animal hoarding cases: the Senior Response Officer and the Public Information Officer. Senior Response Officers are dedicated to cases involving elders (senior citizens). These individuals may have more time for these cases, better communication skills with elders, and more interest in cases involving seniors. Thus, they may be more likely to establish a relationship with the hoarder that can facilitate a lasting resolution

designed to minimize recidivism. In some cases, Senior Response Officers may approach elders from a protective position, saying "I want to protect you from [being evicted, being criminally prosecuted, having (all) your animals taken away]." By letting the hoarder know the consequences of non-cooperation, and how they can help prevent those consequences, Senior Response Officers may facilitate resolution of a case.

The Public Information Officer assigned to a case will be the disseminator of information about any animal hoarding case, providing information to the media and influencing the public's response. As a result, the public information officer must be given the correct information about the hoarding case and is an important person to educate about the realities of animal hoarding. The most effective way of doing this for an animal welfare agency may be to designate a spokesperson from the very beginning of any animal hoarding case; this case spokesperson can assure that the public information officer and the media receive accurate, up-to-date information about the case.

The Health Department is concerned with matters affecting human health and is dedicated to disease surveillance and prevention. Most health departments are supervised by a physician and staffed by public health nurses who practice in the community. By virtue of their training, these nurses understand how poor sanitation can create and compromise health conditions. As a result, the Health Department may be instrumental in addressing animal hoarding cases in a number of ways.

- ▶ **Prohibiting occupancy:** If conditions attract rodents, spread disease, or are unfit for human habitation for safety or sanitary reasons, for example, the Health Department may prohibit occupancy or intercede to prevent the spread of rodents to nearby dwellings.
- ▶ **Assessing risk and referring to treatment providers:** Through home visits, public health nurses can assess human health hazards from zoonotic diseases (i.e., diseases contagious from animals) or failure to take adequate care of oneself (e.g., to manage a serious medical condition such as diabetes or hypertension). Once an assessment is made, the Health Department can connect clients with appropriate treatment providers within the community and facilitate implementation of the treatment plan at home.

- ▶ Preventing and mitigating environmental damage: A state's Environmental Health Department may be a separate agency but is often part of the Health Department. The Environmental Health Department has jurisdiction over environmentally sensitive areas such as riparian zones (areas adjacent to a waterway). If an animal hoarding case occurs in an environmentally sensitive area, the Environmental Health Department may be one more available resource for addressing the case.



Departments of Social Services are staffed by social workers and mental health professionals who can provide behavioral and mental health assessments. They can connect their clients with social service and mental health resources, either voluntarily or under the aegis of the court. It is particularly important for social service agencies and animal welfare agencies to develop good working relationships because many animal hoarding cases have elements of abuse or neglect that affect dependent adults or minors as well as animals. Two social services are particularly important in animal hoarding cases:

Adult protective services

Child protective services

Adult protective services

APS programs date back to the passage of Title XX of the Social Security Act in 1975, which permitted states to use funds, now known as Social Services Block Grants (SSBG), to serve and advocate on behalf of elders who, "as a result of physical or mental limitations, are unable to act in their own behalf; are seriously limited in the management of their affairs; are neglected or exploited; or who are living in unsafe or hazardous conditions." Usually this means dependent adults of any age and elders age 60 - 65 and over. Although APS programs vary widely across the country, most states have designated APS programs as the entities to receive and investigate reports of abuse and neglect under their elder and dependent adult reporting laws.

APS workers also provide crisis intervention, make referrals, collect evidence to substantiate allegations of abuse and neglect, serve as advocates, provide short-term counseling and/or case management, and provide testimony in legal proceedings. These services are largely voluntary, which means that elders and dependent adults can refuse interventions and stop investigations at any point unless they meet

the criteria for involuntary interventions, i.e., they lack the capacity to consent, pose a danger to themselves or others, or commit abuse that constitutes criminal conduct.

Among the determinations that APS workers make is whether vulnerable elders or dependent adults are at risk of abuse or neglect by others. When risk cannot be attributed to others, cases are typically classified as "self-neglect," which accounts for up to 70% of APS caseloads, and is assumed to be associated with physical and mental health problems including depression, dementia and substance abuse.

APS protocols for handling self-neglect cases typically involve assessing clients' capacity to give informed consent or to deny consent for services. Depending on the outcome of these assessments, clients' right to refuse services will either be respected, restricted, or overridden in cases of apparent incompetence, and they will be referred for involuntary interventions. Animal hoarders can, and frequently do, refuse assistance, and the problem recurs.

Anyone can make an anonymous or confidential report of concerns about the safety, health, and welfare of an elder or dependent adult who is:

- ▶ at risk of abuse (physical, sexual, emotional, financial);
- ▶ neglected by a caregiver upon whom the disabled adult or elder is dependent, or
- ▶ self-neglecting.

Typically, when APS workers receive referrals or reports of suspected abuse or neglect, they confirm with the reporter whether the conditions meet the definition/criteria of abuse and/or neglect. If the reported conditions meet the criteria, APS assigns a caseworker to make an assessment. The caseworker attempts to make a home visit to assess the risk for an elder or person with a disability; capacity to give informed consent; and need for medical, legal, financial or social services. The response time varies widely across jurisdictions - from 24 hours to several days. If needs are established, intervention can only occur if a capable individual agrees to accept services, or an incapable individual is assigned a guardian by the court of appropriate jurisdiction. The guardian can then intervene to ensure that the necessary interventions are accepted. The caseworker's assessment, service plan, and corrective actions are all confidential (including the name of the party who made the report).

Caseworkers are encouraged to make several attempts to gain access and cooperation, especially when there is either a question of capacity, or when there is the potential to develop greater trust and rapport, with consequent lessening of resistance to intervention. Many caseworkers will use a method of informal, friendly engagement or interactions that promote the individual's acceptance of the worker's request for a home-based meeting.

Generally, APS personnel do not report back to reporting parties on case disposition.

APS workers are likely to become involved in animal hoarding cases when elderly or dependent adult hoarders stand to be evicted, placed under guardianship, institutionalized, lose their caregivers, or suffer other negative consequences. APS may also become involved if the hoarding poses a health or safety risk to the elder or dependent adult. In recent years, there has been growing recognition within APS that animal hoarding is not a lifestyle choice but a symptom of cognitive dysfunction or mental impairment that jeopardizes the health, independence, and safety of their clients. APS is also increasingly recognizing that the clients' right to self-determination must be balanced against those of the affected animals, neighbors, landlords, and the public, which often bears the burden of costly interventions.

Working with APS

To facilitate cooperation, it is important to remember that APS can only respond to problems for which it is mandated. Therefore, it is essential to use the term *animal hoarding* in reports to APS rather than *animal collecting*. *Hoarding* is an accepted term in the psychiatric literature, whereas *collecting* is not. A bona fide diagnosis such as hoarding increases the likelihood that an at-risk elder eligible for services.

Even if appropriate terminology is used when involving APS in an animal hoarding case, conflicts may still arise. APS has a different mission and different values from an animal protection agency, the other primary agency likely to be involved in an animal hoarding case. For example, groups working on behalf of animals are likely to place a high value on preventing suffering of the animals. Their goal is often to remove the animals as quickly and completely as possible in order to limit their suffering. In contrast, APS may prioritize autonomy and self-determination

for its clients. With different priorities, APS may oppose what appears to be optimal resolution for the animals.

Much of this conflict can be diffused with appreciation of the different missions as well as an understanding of the constraints each agency works under. As described in the sidebar, the individual's right to self-determination guides the intervention of APS. The role of APS workers in animal hoarding cases has traditionally been to advocate on behalf of the elder or dependent adult, and attempt to decrease the inherent risks of his/her hoarding. This may involve making referrals to legal assistance programs to contest evictions or guardianships, find new caregivers, or encourage the elder or dependent adult to reduce the number of animals.

The principles of adult protection

When interests compete, the client is the only person APS is charged to serve - not the community concerned about safety, landlords concerned about property, citizens concerned about morality, or families concerned about their own health or finances.

When interests compete, the adult client is in charge of decision-making until she/he delegates responsibility voluntarily to another person, or the court grants responsibility to someone else.

A person can choose to live at risk or even self-destructively, provided she/he is capable of choosing, does not harm others and commits no crimes. Freedom of choice overrides safety.

In serving the adult client, the full range of social work skills must be used to assure the client is fully aware of alternatives, can make an informed choice, and understands the consequences of choice.

Protection of adults seeks to achieve, simultaneously and in order of importance: freedom, safety, least disruption of life-style and least restrictive care alternatives.

Common ground exists, but is often obscured by the agencies' different priorities and the animal agency's urgency to reduce the suffering of the hoarded animals. Along with its client, APS may perceive the implications of removal or threats to remove the animals - the optimal resolution from an animal protection position - adversely. Whereas the ani-

mal protection agency may consider removal of the animals to be the optimal resolution, both the hoarder client and APS may view this antagonistically. Adding to the difficulty, in most states, APS is viewed as a short-term intervention rather than long-term support, impeding efforts to coordinate follow-up on animal hoarding cases.

Understanding two common situations may help avoid perpetuating the difficulty in finding common ground, which prevents creation of a lasting and comprehensive solution to an animal hoarding case.

- ▶ In some animal hoarding cases, after the animals are removed from the hoarder, APS refuses to intervene because it believes the problem has been solved by the removal of the animals. In other words, the situation endangering the elder is gone, or perceived to be gone, so no further action is necessary. However, hoarding is often a compulsive behavior that will continue absent intervention and monitoring. Hoarders will almost always begin acquiring new animals as soon as they are able. The health and safety risks that were reduced by removal of the animals inevitably return along with the arrival of new animals, and the eventual re-involvement of the animal welfare agency.
- ▶ In other animal hoarding cases, APS may have an ongoing relationship with a client who is an animal hoarder. Involved in the case, APS is reluctant to cooperate with the animal control or humane agency for fear that the welfare of the client may be compromised by the trauma associated with removal of the animals, particularly if euthanasia is a possibility. In reality, it helps neither the APS client nor the animals to allow an unhealthy living situation to continue.

Despite the inherent conflicts of mission, mutually agreeable solutions to these conflicts are readily available. Through careful communication and cooperation, removal of the animals can be staged to minimize trauma to the client and to place as many animals as possible in new homes. Some APS agencies may be more willing to cooperate if there is communication about efforts being made to place the healthy animals for adoption, thereby avoiding euthanasia and reducing some of the trauma to their client.

Child protective services

CPS investigates allegations of suspected abuse or neglect of minors (children under the age of 18). If CPS can substantiate risk, it is then able to offer voluntary services to cooperative families and, under the authority of the juvenile court, order mandatory services for uncooperative families. Since 1980, federal law has required that the goal of CPS intervention be family preservation and reunification. This means that CPS must respond to allegations of abuse and neglect with the aim of keeping families together or reunifying them as soon as it can be made minimally safe to return the child(ren). Removals are relatively infrequent, and most children who are removed are placed with relatives. Court-ordered services typically are provided for 12 to 18 months, with court hearings at 6-month intervals after the initial jurisdictional and dispositional hearings. This mission to preserve and reunify is in contrast to the mission of many animal welfare agencies, which protect animals from cruelty by permanently removing them from substandard situations.

Working with CPS

Because CPS' mission is to protect children, CPS has an important role to play in animal hoarding cases in which children are involved. Understanding three important CPS principles may result in more productive resolutions to animal hoarding cases involving CPS.

Confidentiality

Because CPS must protect the confidentiality of minors, it cannot readily share information. Only mandated reporters such as physicians, nurses, or teachers can receive even limited information about a case they are involved in. To facilitate communication, having mandated reporters make the initial report may be more effective in engaging CPS than having a representative of an animal shelter make the initial report.

Maintaining communications

Even if the lines of communication are constrained, it is still important to keep CPS apprised of developments in a case. To simplify this flow of information, work through multidisciplinary teams (MDTs) as a vehicle for information sharing. These teams assess children at risk and may be convened by CPS, SCAN (Suspected Child Abuse and Neglect) teams at hospitals, child death review teams, or other groups.

Continuing to Collect and Report Information

If animal control has removed all of the animals, CPS (like its counterpart APS) may erroneously believe that the child is no longer at risk or in need of services. In other words, the symptom is mistaken for the problem. If child protective services are withdrawn at this point, important steps may be missed. At a minimum, the parents' judgment needs to be assessed and the children need to be examined by a pediatrician for exposure to zoonotic illnesses. (Consultation with the attending veterinarian may be very valuable here, as these professionals are highly trained in the recognition and prevention of zoonotic diseases.) To continue CPS' engagement, reporters must focus their reporting on CPS' mission – the children. Rather than describing a filthy household run by a grandparent in the early stages of dementia, the reporter must specify how these conditions create clear risk for the minor child. However, if children are being cared for by grandparents or other older guardians, the caregivers may be vulnerable to health and mental health problems, and these situations should be brought to the attention of APS.

Code Enforcement

Code Enforcement employs officers who address sanitary conditions that may make dwellings unfit for human occupancy. While this mission may overlap with a local Health Department's mission, the Code Enforcement Officer can also address two issues often found in animal hoarding cases:

- compromises to the building's structural integrity that create a potential threat to the safety of the inhabitant(s), and
- neglect of property that impinges upon neighbors: trash accumulation, external physical hazards, and abandoned vehicles.

Legal Aid

Legal Aid assists people who meet certain low-income criteria with civil legal problems. Legal Aid might, for example, provide advice when a hoarder is threatened with eviction. If Legal Aid becomes involved, it must be as an advocate for its clients. Because it would typically seek to prevent eviction, it may at least be an avenue for rational communication when the client is resistant to the recommendations for improving the conditions of the animals or reducing their numbers. Note that Legal Aid cannot provide defense against criminal charges of cruelty to animals; if a person charged with a crime is unable to afford a lawyer, a lawyer is appointed by the court to defend him/her.

Department of Agriculture

The Department of Agriculture is interested in protecting domestic livestock, particularly food animals, against the introduction of contagious diseases. Pet exotic birds, in particular, may be of great concern because of their ability to transmit illness to the poultry industry (e.g., chickens and turkeys). Nevertheless, any exotic animal may carry infectious disease or parasites and therefore pose a threat.

The Department of Agriculture most commonly intervenes with livestock, but in some states may have jurisdiction over issues such as licensing of dogs or facilities, shelter, or kennel inspections pertaining to companion animals. Consultation with the Department of Agriculture provides potential opportunities for intervention that may not initially be apparent. The Department of Agriculture has jurisdiction over the interstate transport of stray or unwanted animals for adoption, a growing phenomenon across the US, and another way some hoarders acquire animals. In some states, seizure or removal of livestock requires involvement of the State Veterinarian's Office through the Department of Agriculture. The Department of Agriculture may be able to provide expert testimony about animal care and failure to meet the accepted standard of care.

City and County Records

When trying to identify other potential stakeholders, it may be useful to establish ownership of the premises where animals are being hoarded. City water accounts and gas and electric company billings can identify the person financially responsible for utilities in the home. Most private homes as well as apartment buildings will maintain property insurance, particularly if there is an existing mortgage. Township assessors (as well as on-line property information) can be a useful source of public information that can direct concerned parties to the owner(s) of the property responsible for its conditions, or persons involved with tenant occupancy and agreements about property ownership and payment of taxes.

In any community, more than five types of organizations and agencies may have jurisdiction in an animal hoarding case, and each of these types may have many players. At this point, most animal hoarding cases are not systematically coordinated through these players, nor do the players understand how they can benefit from a coordinated response. The costs of a fragmented response are considerable as evidenced by the high rate of recidivism in animal hoarding cases. Fortunately, coordinated responses can make a big difference – and the first step to a coordinated response is to know the players.

Chapter Two:

Gaining Inter-Agency Cooperation to Create Interdisciplinary Responses

Fortunately, many agencies have expertise, resources, and authority that can contribute to resolving animal hoarding cases. This variety of expertise and interest provides the foundation for lasting solutions that reduce the likelihood of recidivism. Unfortunately, most communities have not found ways to bring agencies together to create cooperative working agreements that promote comprehensive solutions and minimize agency conflicts in animal hoarding cases. Conflicting missions and roles, lack of joint agreements, and confusion about who should act and when, all pose obstacles to cooperative responses to animal hoarding cases. These include the following:

- ▶ **Terminology:** Even when agencies are able to share information, their ability to communicate is compromised by differences in language. An agency that may be critical in an animal hoarding case may be unable to participate because of the terminology used to report the case. APS, for example, may respond to a report describing a risk of eviction but may not respond to a report describing too many animals. A common understanding of what terminology to use with which agency can minimize this obstacle.
- ▶ **Cost:** Agencies may choose not to participate in animal hoarding cases because of perceived costs. Educating stakeholders about the true costs of animal hoarding cases and the savings possible in a coordinated approach can minimize this obstacle.
- ▶ **Conflicting missions:** Agencies may be reluctant to participate because past experiences with other agencies in animal hoarding cases have triggered and exacerbated conflicts among the agencies. Different stakeholder agencies are likely to have different missions and to see themselves and their role in light of this mission. A common understanding of conflicting missions can lead to agreements defining how each agency will participate and contribute in ways that support, rather than run counter to its mission.
- ▶ **Order of things:** Agencies may be unwilling to cooperate because they are called in at the wrong time, often when they do not have authority to act. To

minimize this obstacle, it is essential to understand whom to involve and at what point, and to form agreements that define roles.

It is important to break through these obstacles because any successful resolution to an animal hoarding case naturally involves a variety of stakeholders, making an interdisciplinary response not only helpful but necessary. A successful interdisciplinary approach to animal hoarding requires considerable planning, relationship-building, education and tolerance. Without a cooperative approach to sharing responsibilities, agencies with different missions can conflict instead of collaborate. The advantages of working together - with each agency carrying its respective responsibility while at the same time understanding the needs of the other agencies in order for all to meet their common goal - far outweigh the disadvantage of extra work required to develop good collaborative relationships. This chapter suggests ways to approach major obstacles to cooperative interagency working relationships in animal hoarding cases.

Because screening of requests for help at any agency occurs at many levels, terminology can trigger - or fail to trigger - action, and getting agencies to become engaged can depend on the language used. Table 1 on the following page lists terms and approaches which can facilitate or deter cooperation.

Staff members in all agencies can be trained to understand that the language used in a report can cause another agency to participate or choose to opt out of a case. This list can be used as a simple training tool and job aid to remind reporters of language that will encourage participation and cooperation.



For Animal Welfare

• **Animal Welfare Act**

• **AWA**

• **Animal Welfare Act**

• **Animal Welfare Act**

• **Animal Welfare Act**

• **Animal Welfare Act**

• **Animal Welfare Act**

• **Animal Welfare Act**

For Child Protective Services

• **Child Welfare Act** (1975) - requires states to provide for the care, protection, and supervision of children who are in need of such services.

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• **Child Welfare Act** (1975)

For Adult Protection Services

• **Adult Protective Services Act** (1976) - requires states to provide for the care, protection, and supervision of adults who are in need of such services.

• **Adult Protective Services Act** (1976)

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• **Adult Protective Services Act** (1976) - requires states to provide for the care, protection, and supervision of adults who are in need of such services.

For Law Enforcement

• **Law Enforcement**

• **Law Enforcement**

• **Law Enforcement**

• **Law Enforcement**

• **Law Enforcement**

• **Law Enforcement**

• **Law Enforcement**

• **Law Enforcement**

For Child Enforcement / Housing Departments

• **Child Enforcement / Housing Departments**

• **Child Enforcement / Housing Departments**

• **Child Enforcement / Housing Departments**

For Fire Department

• **Fire Department** - requires states to provide for the care, protection, and supervision of children who are in need of such services.

• **Fire Department** - requires states to provide for the care, protection, and supervision of children who are in need of such services.

The cost of a full-blown hoarding case is drastically underestimated, if considered at all, by most municipal entities. Expenses are spread out over time and agencies, so that the true cost of each hoarding case is hidden. However, despite fragmentation, the expenses ultimately come out of the same municipal budget. It is easy for a relatively uncomplicated hoarding case to cost thousands of dollars, and a complicated case could cost more than \$100,000 (See Table 2). Given these amounts, a few thousand dollars spent on prompt intervention and ongoing monitoring, including assistance and counseling to reduce the likelihood of recidivism, would be money well spent.

With this in mind, it is essential to educate decision makers and budget officials who are likely unaware of the potential extent and implications of an animal hoarding case. A partial list of types of costs in animal hoarding cases is shown in Table 2; because the actual dollar amounts will vary for each community, this list can be used to begin discussions about the real costs of animal hoarding and the savings possible through cooperative approaches. Explaining the rate of recidivism and the lurking future costs with inadequate intervention may be helpful in gaining the support of municipal officials to enable a more comprehensive approach.

Figure 1. The effect of the concentration of the *Agaricus bisporus* spores on the growth of *Agaricus bisporus* on the substrate.

Even if a report triggers an agency to respond, and discussions about cost have convinced decision makers about the value of cooperative approaches to animal hoarding cases, differences among agency missions and cultures may remain an obstacle to cooperation. For example, there may be a long-standing agency culture that is wary of outsiders and resistant to interagency cooperation. In other instances, a prosecutorial approach from law enforcement agencies can alienate social welfare agencies whose mission is to advocate for their clients, not to place them at risk of criminal penalties. And the idea of cross reporting can generate mission conflicts and legal risk. For example, most social workers are neither required to report animal abuse or neglect nor are they granted immunity when doing so.

How can these mission conflicts be mitigated and turned into cooperation? Early communication can significantly improve the chances for cooperative approaches in an ani-

mal hoarding case. As a first step, social workers may contact the relevant animal protection agency and make an appointment with the director to discuss concerns before divulging details. The animal welfare agency may stress that while the primary goal of any animal sheltering group is to protect the animals and ensure their proper care, the most common approach to this end is education to improve care, or if that fails, to persuade the offender to relinquish the animals to the humane society for adoption. The animal welfare agency can also emphasize that because criminal prosecution is expensive, cumbersome, and usually the last resort when other approaches have failed, animal welfare organizations and prosecutors would typically seek to avoid prosecuting people who are sufficiently disabled or infirm to qualify for services with APS when other less adversarial options are available.

With this in mind, it is easy to see that the goals of the two agencies can be best met collaboratively and that such collaboration will result in a better outcome for both the humans and animals involved in the case. Encouraging all agency personnel to learn about and understand each other's missions, requirements, and concerns is a first step in removing the obstacles created by mission conflicts. Meeting early to discuss shared approaches and preferred outcomes can lead to increased trust, understanding, and cooperation.

Ordering the Order of Things

Communicating costs, using the right terminology, and engaging in conversation to minimize mission conflicts are important steps to further cooperation in animal hoarding cases. But even if these steps are in place, cooperation can falter if agency staff fails to understand the correct order of things.

When engaging several agencies in a hoarding case, it is important to recruit the right help at the appropriate time. Initially, emergency response and crisis intervention will be appropriate. Once the immediate situation has been stabilized, a thorough investigation begins. Participants in the investigation may include animal control, social services (adult/child protective as appropriate), environmental health and public health staff, code enforcement, and law enforcement in the more egregious cases. All these professionals evaluate different risk factors from different perspectives. Separate evaluations result in fragmented

responses. However, a cooperative alternative is available. A multidisciplinary assessment brings all the concerns together so both risk assessment and intervention occur at the appropriate time and address all significant considerations, resulting in a comprehensive dispositional plan. This plan, either agreed to voluntarily or ordered by the court, would introduce mental health, case management and supervision to improve outcome and compliance with recommendations and court orders.

It can be extremely challenging to persuade a hoarder to utilize any services, and the services available are time limited and in short supply. Few publicly funded programs will follow a case long term. Private geriatric care managers, visiting nurses, or social workers may be able to establish better and longer lasting relationships with these clients, but few hoarders have the economic resources or the motivation to receive such services for long. A concerned family member (with the financial means) may be helpful in persuading the hoarder to cooperate with the service provider and in keeping the contact going.

At this point – after the emergency response, the multidisciplinary assessment, and the dispositional plan – somebody with some authority, whether it be familial, professional, or court-ordered, needs to coordinate the various services that each case may require to monitor compliance over time. Home visits must be part of the ongoing supervision and monitoring, given hoarders' likelihood of relapse. Again, a cooperative approach can help identify the right authority for the situation. Agencies working on an animal hoarding case benefit from working together to assure the right person is involved at the right time. This approach lowers cost, reduces workload, and can lead to multidisciplinary, comprehensive assessments and solutions with the greatest chance for short- and long-term success.

Operational Recommendations

So far, operational recommendations have been suggested for building cooperative interagency responses to animal hoarding cases. Considering cost, using the correct terminology, and communicating early to avoid interagency mission conflicts are practical approaches that can help. However, longer term strategies are also important. In many cases, concerns over confidentiality, roles, and reporting prevent cooperative approaches to resolving cases.

Cross reporting

A logical and comparatively simple approach to begin the process of collaboration is through cross reporting, whereby people working on behalf of animals are trained in the criteria for identifying dependent adult, elder and child abuse and neglect, and vice-versa. Some communities do this informally, and others have cross-reporting incorporated into statute. For example, in California, state humane and animal control officers are mandated to report suspected abuse or neglect of children, dependent adults and elders, and social workers are encouraged to report suspected animal abuse or neglect.

Administrative orders

If a lead agency in a hoarder case has regulations that are comprehensive enough or has statutory authority that is broad enough, an administrative order stipulating what the hoarder would need to do to avoid action the agency was threatening to impose might suffice. The advantages of administrative law solutions include swift resolution, the establishment of mutually agreed-on standards, and the fair warning of consequences that will be imposed if the agreement is not followed. The agency's goal is to improve the conditions at the home and the conduct of the hoarder. An administrative order may allow the agency to require counseling, monitoring of home conditions, and other appropriate services while avoiding a possibly protracted court battle.



Unfortunately, there are times when, despite contacting the appropriate agency or individual, people are unwilling to become involved. Sometimes there may be no humane society or animal welfare agency in the jurisdiction. Local law enforcement and other governmental agencies not typically involved in animal welfare may not see a need to act. At this point, several options still remain. Players who are not normally involved in animal hoarding cases can be called on to help move things forward.

Public health nurses

Public health nurses frequently have relationships with families spanning years and even generations, and may therefore know the history and extent of the problem and who is most likely to facilitate change.

Media

The media may also be helpful to draw attention to a problem. Reporters who have covered similar stories may know whom to call to get action. Google or another search engine can

locate media coverage of similar stories in the jurisdiction. Lexis-Nexis news service (<http://www.lexis-nexis.com>) may be available through the library; search terms such as "stench," "animal abuse," "hoarding" and "cats" to identify news articles and reporters in a given area.

In some communities, a case report may not receive appropriate action because of the hoarder's political or social status. This makes intervention more difficult, and makes potential allies in intervention wary of getting involved. In these instances, documentation is crucial, and submitting this documentation to regional or state authorities may be necessary. Once again, the media can be helpful. A letter to the editor of a local newspaper will inform the public of the system's failure to respond to a problem affecting both the humans and animals living in uninhabitable conditions.

Others

Investigators may be able to uncover useful background information about the conditions of a hoarder's home or harmful behavior toward the animals, within the limitations of privacy concerns, by making discreet inquiries with the utilities meter readers, repair and delivery persons. Neighbors, especially, may be valuable sources of information regarding safety, sanitation, and the hoarder's acquisition and care of animals. If a humane agent does not have access to that information, one of the other agencies likely does.

To sum up, animal hoarding cases present a complicated problem. Because animals, owners, and communities are involved, a variety of agencies are responsible for pieces of any response. And because the cases present legal, health, safety, and environmental concerns, a variety of disciplines must be drawn on for a comprehensive answer. In most communities, the current approach to addressing an animal hoarding case is fragmented. This approach results in high community costs, ineffective responses, and high rates of recidivism. In other words, the current approach costs more than it needs to and assures that the problem will recur, threatening the health and lives of both animals and humans impacted by the hoarding.

A solution exists. Coordinated approaches allow agencies to fulfill their obligations to the clients and participate in a comprehensive, lasting solution to animal hoarding cases. This approach requires education, communication, and infrastructure. The effort is worthwhile because it results in reporting that generates response, agencies acting at the right time, sharing of information, and dispositional plans that address comprehensive needs.

Chapter Three

Understanding the Hoarder - Types of Hoarders

So far, this monograph has focused on ways to coordinate an effective, comprehensive response to animal hoarding cases despite variations in agency missions, terminology, processes, and responsibilities. Yet one more obstacle to successful animal hoarding resolution exists: the variety in the hoarders themselves.

Animal hoarding is a multi-faceted problem that develops for different reasons in different cases. Therefore, the manner of intervention, plan of treatment, and care management will depend on an individual assessment of each case, taking into account biological, psychological, social and environmental factors as well as the unavoidable constraints of limited resources and services.

This chapter identifies a variety of factors that distinguish different types of animal hoarding, each factor varying from mild to severe. These include, but are not limited to:

- ▶ presence of medical and/or psychological problems
- ▶ co-morbid conditions
- ▶ social integration and social skills
- ▶ jeopardy of the animals
- ▶ level of compulsion
- ▶ active or passive acquisition of animals
- ▶ degree of empathy
- ▶ attachment (for humans as well as the animals)
- ▶ denial
- ▶ control
- ▶ and the response to authority figures.

Incorporating these, this chapter offers a very preliminary classification system, describing three general types of animal hoarders:

Overwhelmed hoarders

Rescuer hoarders

Exploiter hoarders

This classification may be useful when considering different approaches to intervention. However, it is not definitive at this stage. Some overlap exists among the types and, at different times, a hoarder may exhibit characteristics of all three types.

- ▶ Exhibits some awareness of problems with animal care, more reality-based than other types
- ▶ Finds problem triggered by a change in circumstances or resources – social, economic, and/or medical; e.g., loss of spouse who helped care for animals, onset of illness or disability, loss of job or income
- ▶ Makes an initial effort to provide proper care, but eventually gets overwhelmed, and is unable to solve problems effectively, doesn't know how to get out from under
- ▶ Experiences a gradual decline in animal caretaking capacity
- ▶ Has a strong attachment to animals as family members
- ▶ Has fewer issues with authorities and/or need to control animals or property
- ▶ Tends to minimize rather than deny the problems
- ▶ Finds attachment to animals a bigger issue than control
- ▶ Tends to be withdrawn and isolated, possibly due to physical infirmity
- ▶ Allows intervener to gain entry, client more likely to respect the system and comply with recommendations
- ▶ Is less deliberately secretive
- ▶ Acquires animals passively
- ▶ Has self-esteem linked to role as a caregiver
- ▶ Needs guardianship in many cases
- ▶ Has more tendency towards AXIS I psychological disorders (AXIS I includes all mental health conditions, i.e., mood disorders, schizoaffective disorders, psychotic disorders, with the exception of personality disorders and mental retardation)

- ▶ Has strong sense of mission to save animals which leads to unavoidable compulsion
- ▶ Fears death (of animals and self) and opposes euthanasia
- ▶ Starts with adequate resources for animal care
- ▶ Acquires animals actively rather than passively
- ▶ Believes he/she is the only one who can provide adequate care; the initial rescue-followed-by-adoption pattern is replaced by rescue-only care
- ▶ Numbers of animals gradually overwhelm capacity to provide minimal care
- ▶ Finds it hard to refuse requests to take more animals
- ▶ Avoids authorities and/or impedes their access
- ▶ Is not necessarily socially isolated; may work with an extensive network of enablers and be more engaged in society, therefore less amenable to intervention via social services

- ▶ Most difficult or problematic type to deal with
- ▶ Acquires animals purely to serve own needs
- ▶ Tends to have sociopathic characteristics and/or personality disorder
- ▶ Lacks empathy for people or animals; indifferent to the harm caused to animals or people
- ▶ Tends toward extreme denial of the situation
- ▶ Rejects authority or any outsider's legitimate concern over animal care
- ▶ Believes his/her knowledge is superior to all others'; adopts the role of expert with extreme need to control
- ▶ Has superficial charm and charisma – very articulate, skilled in crafting excuses and explanations, and capable of presenting an appearance that conveys believability and competence to officials, the public, and the media
- ▶ Is manipulative and cunning
- ▶ Is self-concerned and narcissistic
- ▶ Lacks guilt, remorse or social conscience

- ▶ Acquires animals actively rather than passively
- ▶ Demonstrates predatory behavior – will lie, cheat, steal without remorse and potentially has a plan to use these tools to achieve own ends
- ▶ Plans to evade the law and beat the system, such as dispersing animals to other animal hoarders or friends

Two other types that are not dealt with extensively in this report represent intermediate stages to full-blown hoarding: the incipient hoarder and the breeder-hoarder. These are briefly described below.

Incipient hoarder

- ▶ Achieves minimum standards of animal care under the law, although care is deteriorating
- ▶ Is more likely to be aware of problematic conditions and actively attempts to provide care
- ▶ Care of animals likely to deteriorate unless circumstances change dramatically

Breeder-hoarder

- ▶ Will initially breed animals for show or sale; over time has increasing difficulty maintaining proper care. Breeding continues as conditions deteriorate
- ▶ Is not likely to keep animals in home; human living conditions not as compromised as animals' conditions
- ▶ Has only moderate insight regarding condition of animals and capacity to care for them

This initial classification of hoarders suggests that animal hoarding results from a variety of causes, manifests itself in a variety of ways, and responds to a variety of solutions. As a result, solutions to an animal hoarding case must consider the type of hoarder. Although this classification of hoarders is not definitive and hoarders are likely to exhibit characteristics across types, the intent is to provide multidisciplinary teams with a way to focus on approaches and solutions that are most likely to work with an individual hoarder.

Matching Intervention Strategies to Types of Hoarders

Although recent changes in many state animal cruelty statutes have increased penalties for certain types of animal cruelty, these changes address deliberate abuse and torture, usually purposeful actions inflicted on comparatively small numbers of animals in a short time frame. Most animal hoarding cases are not characterized by deliberate intent to harm or by direct abuse.

Cases involving large numbers of animals are often prosecuted as a single case of animal cruelty. For purposes of expediency, or because judges discourage multiple counts for the same case, prosecutors may frequently have no choice but to charge only a single count of neglect even when dozens of animals are involved. The court then hears a case involving one charge of neglect that happens to involve many animals. A single count rarely allows penalties to match the severity of the crime. Even if multiple individual counts of animal cruelty or neglect are charged, this falls short because the whole is much worse than the sum of its parts. Finally, it may be under-appreciated that despite the lack of intent to harm, animal hoarders often show deliberate behavior to acquire and maintain control of animals even though they are unable to provide proper care.

It is also important to realize that when animal cruelty laws focus on the intent or action of the owner or caretaker, suffering of the animal(s) is almost irrelevant. These shortcomings leave those attempting to prosecute hoarding cases at a huge disadvantage, since the sins in a hoarding case are often of omission, not commission. Criminal prosecution as an intervention in animal hoarding cases is also constrained by the role the animals play in the criminal proceeding. Seized animals are treated as evidence and must be held in protective custody in a shelter until the case and associated appeals are completed. This can take months and even years in a complicated case. In a recent study (Berry, et al., "Long-term outcomes in animal cases,"

Because not all interventions are equally successful with all hoarders, this chapter focuses on the advantages and disadvantages of three primary interventions:

- Criminal
- Civil and regulatory
- Mental health

Abstract

Two features distinguish animal hoarding from other types of animal cruelty. First, most of the suffering arises from chronic neglect; second, the perpetrator generally does not intend to harm the animals. These features can sometimes make it counterproductive to charge some hoarding cases criminally. Because some animal cruelty laws tend to focus on deliberate abuse with intent to harm, criminal interventions may be less effective for hoarding cases in those jurisdictions.

Animal Law, 11: 167-194, 2005; available at: <http://www.asim.org/animal-law/animal-law-11-167-194.pdf>) humane agents often found themselves in a position of making "bargains with the devil," e.g., in order to prevent animals from being revictimized by the system through extended institutionalization while a case was prosecuted, the humane agents would negotiate dropping charges and prohibitions on future animal ownership in return for immediate custody. This did nothing to discourage recidivism. But from the shelter's perspective, resolving the immediate crisis favorably for the animals took priority.

Despite these limitations of prosecution, the criminal justice approach can contribute much to improved accountability in cases of animal hoarders. It has taken many years of effort to get legislators, courts, police, and prosecutors to take animal crimes seriously. Furthermore, it may not be possible to deal with some hoarders (the exploiter hoarder with sociopathic tendencies in particular or those who are completely irrational or oppositional) when a more therapeutically-oriented or negotiated approach is used exclusively.

The only effective approach in dealing with some hoarders may be aggressive prosecution, rigorous monitoring, and strict sanctions at the slightest indication of recidivism. James Q. Wilson and George L. Kelling wrote a highly influential article ("Broken Windows: The police and neighborhood safety." *The Atlantic Monthly*, March 1982) suggesting that attending to the small crimes can change community culture and limit the likelihood of progression to major offenses. Referred to as the "broken window" approach to crime prevention, this method has much to offer in hoarding cases. Even in the earliest stages of animal hoarding, there are probably warning signs of conditions beginning to deteriorate. By treating these husbandry violations as serious and taking aggressive steps to ensure proper care at the earliest sign of a lapse, the deterioration to full-blown animal hoarding may be slowed or prevented.

Civil laws and regulations offer yet another intervention strategy that may succeed with certain offenders. Three common tools may be helpful in civil or regulatory interventions: civil forfeiture laws, bonding laws, and municipal regulations.

Civil forfeiture laws were originally conceived as a tool in the fight against illegal drugs. They offer great potential for streamlining the rescue of animals, achieving custody, and rehoming the animals quickly without compromising due process. These civil procedures can be more rapid than the criminal justice approach, in part because of their lower standard of proof (i.e. a preponderance of evidence rather than guilt beyond a reasonable doubt). Criminal cases generally require that the mens rea (the intent) of the wrongdoer be taken into account; civil cases focus more on the end result of the bad act with less emphasis on the wrongdoer's intent to cause harm. This distinction can be very advantageous in an animal hoarding case in which neglect is a prominent feature, because the typical defense focuses on intent (e.g., that the hoarder "loved" the animals and did the best he/she could to care for them).

Bonding laws are a type of civil forfeiture laws which have been developed for animal cruelty cases. These laws may exist at the local or state level and may be incorporated into civil or criminal statutes. Although each may have unique characteristics, they are similar in overall approach. Bonding laws provide the opportunity for due process through a hearing after animals have been seized. The hearing will require the agency that seized the animals to show probable cause for seizure as well as the need for retaining the animals. The hearing officer or judge will then set a bond for care of the animals pending legal outcome of the case. If the required care bond is not posted within a specified period of time, rights to the animals are forfeited by the owner. This protects humane societies and municipalities from incurring enormous costs for boarding animals for months, and can protect the animals from languishing in cages when bonds are not posted.

Bonding laws also apply when hoarders who have been evicted due to unsanitary or dangerous conditions are hospitalized or placed in temporary custody for a mental health evaluation. If the hoarders are unable to care for their animals in absentia, the animals will be impounded (taken into protective custody). This is justifiable because the hoarders have essentially--although involuntarily--abandoned their animals. Many jurisdictions outline procedures for abandoned animals; these generally require that the owner be notified in writing of the location of the animals, the deadline for reclaim, and cost of reclaim.

Some bonding laws are limited in usefulness by their narrowly defined application. For example, a state bonding law that specifies "animals seized for dog fighting" could not be used for hoarding cases.

The regulatory approach - particularly municipal regulations - also has much promise and can be quite rapid. Municipal officials have wide authority to regulate animal care through ordinances in their communities. Sufficiently specific ordinances can be effective in limiting animal hoarding and can be enacted more rapidly than legislation. A sample ordinance from Ft. Wayne, IN, is included in Appendix 2.

CLINICAL PRESENTATION

The presence of a variety of mental disorders and organic brain syndromes is well documented in cases of hoarding of inanimate objects. These include obsessive compulsive disorder, schizoaffective disorder/schizophrenia, attention deficit disorder, anxiety, post-traumatic stress disorder, generalized social phobia, and major depressive disorder. It remains to be determined precisely how much these conditions contribute to animal hoarding cases, but our clinical experience suggests that they are present, and may even be unusual in their severity. Interviews with the hoarders of animals suggest that disorders associated with lack of essential early childhood bonding and attachment to parents or primary caregivers (e.g., borderline, narcissistic, anti-social personality disorders and paranoia) may complicate the clinical presentation of animal hoarding.

Some hoarders show cognitive impairments including poor insight, abstract reasoning, problem solving, and executive functioning skills, and, to a lesser extent, social fears, agoraphobia, and depression. Research links these impairments to some forms of mental illness. Therefore, a thorough medical and neuropsychological examination must be conducted, as mental functioning may be related to a wide variety of medical conditions including organic brain disease, substance abuse, sensory impairment, and hormonal disorders.

Neuro-psychological evaluation may come into play at several stages in an animal hoarding case:

- ▶ during the investigative process or execution of a search warrant to establish the need for involuntary commitment of the hoarder
- ▶ as part of pre-trial evaluation ordered by a judge or requested by the defense
- ▶ as part of a post-trial evaluation ordered by the court to inform the treatment plan.

A variety of evaluation options should be considered in assessing hoarders. These include:

- ▶ court-ordered evaluation
- ▶ short-term involuntary commitment
- ▶ in-home assessment

Other issues that must be considered in selecting a mental health intervention include the approach to psychological treatment and the sharing of information.

Court-ordered competency evaluations are not necessarily comprehensive. In Massachusetts, for example, competency is evaluated in a specific aspect of life, not as a general ability. The evaluation determines whether hoarders are able to take care of themselves, not whether they are competent to sign a legal document such as a will, or for that matter, even to adequately care for animals. Recommendations are usually based on patients' abilities to understand relevant elements of their situations and to manipulate information in a reasonable manner. For example, a patient might be asked, "Now that you've had surgery on your foot, do you believe that you might be susceptible to infection? Do you believe that walking in animal excrement might increase or decrease your chances of getting an infection? If you believe that walking in excrement might be risky for you, how might you protect yourself? What can you do about it?" Failure to establish mental incompetency (sometimes a very high standard) does not preclude the existence of serious mental illness which may require treatment, or incompetency in terms of ability to provide proper care for animals. This is a consideration that merits greater exploration in animal hoarding cases.

Short-term involuntary commitment - In the acute stage of an animal hoarding investigation, it is sometimes necessary as well as advantageous to force a mental health and medical evaluation by seeking an involuntary commitment. However, for involuntary commitment, it must be demonstrated that the hoarder poses an immediate threat to self or others. Thus, at the outset, any investigation should document that the hoarder is not attending to basic care (hygiene, nutrition, etc.), and include in the report the hoarder's statements or specific actions which indicate intent to cause harm to self and/or others. Hypothetically, it could be argued that the hoarder does pose an immediate threat to the non-human animals in his/her care, but to our knowledge, this approach has not been attempted for gaining involuntary commitment.

Each state has specific procedural requirements for obtaining an order for involuntary commitment and competency evaluation. Since these laws may undergo changes or modifications, it is essential to know and stay current in the state process affecting the case. Within a city, town, or region, a crisis team may be available not only to provide guidance in this regard, but also to assist at the time of intervention, when it is necessary for a hoarder to be transported to a medical facility - usually the nearest hospital emergency room - for assessment.

Because the time a person can be held for evaluation is limited, the timing of the evaluation is important. Involuntary psychiatric holds last at most 48 - 72 hours. If this period includes weekends or holidays, most of the psychiatric staff will be unavailable except for emergencies. As a result, the patient may get only a cursory exam to screen for the most obvious mental health problems, followed by custodial care for a day or two, and then may be released. There is usually a process by which this initial period can be extended if necessary. Hoarders who are found to be mentally incompetent may be placed under more restrictive supervision, often with a guardian, for the long term. Although serious mental illness can be present in individuals who are otherwise competent, unless people pose a serious and imminent danger to themselves or others, it is not possible to force treatment on otherwise competent people.

In-home assessment - Where the assessment takes place may substantially influence the presentation of the hoarder and the information that becomes known about the hoarder. It is preferable to obtain, whenever possible, the services of professionals who will do in-home assessments, since hoarders tend to clean up and put on their best faces when they go court or for a competency evaluation. We are aware of cases in which a hoarder has been receiving psychiatric counseling at a clinic or office, or receiving medical care for conditions that are related to the home environment, without any of the professionals providing services actually visiting the home - or even viewing photos of the condition of the home. In these situations, unless the hoarder acknowledges the problems and conditions in the home, and raises these issues in treatment, they will not be known, much less addressed, in treatment. Consider selecting a professional who can do a home-based evaluation, such as a social worker or public health nurse.

Psychological treatment - Because removing animals from a hoarder does not resolve the problem, mental health professionals must explore the relationship of the hoarder with the hoarded animals. The obsessive acquisition of animals, the denial of the failure to provide adequate care, and the resulting consequences all must be dealt with during the assessment and/or therapeutic process. This is why an on-site assessment can provide crucial background information.

No recommended standard treatment for animal hoarding currently exists. Therefore, identification of co-morbidities (other diagnosable psychiatric illnesses) may be very important as they are more recognized and amenable to treatment. Resolution of these other disorders may help the hoarding problem. Without proper diagnosis of the specific mental, physical, and even spiritual components of the behavior, approaches and methods of intervention and treatment cannot proceed in an appropriate manner.

Motivational Interviewing (MI) is one of a number of new therapies considered by many to be an effective tool for working with people with compulsive or addictive behaviors. MI is being applied in many different clinical settings, particularly for people who express ambivalence or resistance to change. It is described as "a client-centered, directive method for enhancing intrinsic motivation to change by exploring and resolving ambivalence" (William Miller and Stephen Rollnick, 1991). Originally developed for use with individuals who had limited insight into or recognition of their problem, MI has been used within the field of addictions counseling and other medical/psychiatric/social conditions. Numerous internet sites are devoted to the theory and practice of motivational interviewing, as well as individual practitioners who are trained in this counseling approach. The home page of Drs. Miller and Rollnick is <http://www.motivationalinterviewing.org>.

The realities and pitfalls of court-mandated counseling - With recidivism close to 100%, animal hoarding behavior has evidently not been mitigated by the customary sentencing that is limited to fines, forfeiture of some or all of the animals, prohibitions on future ownership, and (rarely) incarceration. As noted above, the motivation and perpetuation of animal hoarding has psychological underpinnings which are not lessened in their intensity by these sanctions alone.

Consequently, courts are increasingly mandating counseling for the animal hoarder. In some cases, a preliminary specialized assessment is required by the court in order to facilitate the identification of medical and/or psychiatric conditions. Furthermore, the appropriate professionals whose credentials and clinical experience are best suited to treat the specific conditions or contributing factors elucidated by the assessment must be engaged. Despite the promising potential of court mandated counseling, we are seeing a number of procedural difficulties which need to be addressed and resolved:

- ▶ A significant percentage of animal hoarders are either on fixed incomes (i.e., Disability, Social Security, pensions) or are unemployed. If one does have health insurance, coverage for treatment of mental illness may be particularly limited (i.e., number of sessions and limitations on reimbursement rate for providers.)
- ▶ Due to insurance limitations, mental health professionals are increasingly accepting only private paying patients so that the provider is able to be compensated his/her full fee for service. However, when and if a court mandated referral does engage the services of a provider on a private fee for service basis, there is a strong possibility that the specialists providing assessment and counseling services will ultimately experience a slow-pay or no-pay client, given that inherently the client may be resistant to the counseling that's been ordered.
- ▶ Compliance with the counseling order (attendance, responsiveness to treatment recommendations, etc.) would likely be the responsibility of a probation officer, if assigned. In the public sector, probation officers, as well as community medical and mental health care providers, are being adversely affected by cutbacks and higher caseloads. Thus, the conduct and monitoring of mandated counseling may be a difficult process to implement.

Given these potentially problematic conditions, we are urging the utilization of counseling orders to produce the behavioral change that is our goal. Therapists who perform court-mandated counseling should obtain a copy of the court order from the court. The paperwork contains

information about the details of the case and goals of counseling that the mandatees may try to get overlooked, and indicates who should be contacted under various circumstances.

Sharing of information: Patient/client confidentiality is central to the ethical practice of medicine and psychotherapy. Only limited information can be shared without the patient/client's informed consent or a court order. However, the information that would be discovered by a thorough medical and psychological assessment is necessary to develop appropriate treatment plans. Diagnosed conditions may persuade stakeholders to agree to forego prosecution if the hoarder agrees to comply with treatment, monitoring, and reasonable constraints regarding the ownership and care of animals. Thus, the hoarder's attorney may see that an exchange of information among professionals is in his/her client's best interests and can be used to get all parties to agree to a non-adversarial resolution. Family members may also be helpful in persuading the hoarder to agree to share diagnostic information with the stakeholders if the goal is improved living conditions for humans and animals involved in the case.

There is compelling evidence that animal hoarding exists along a spectrum of severity and involves a variety of typologies, each more amenable to one type of intervention than another. For example, some hoarders may behave irrationally or have personality disorders which make negotiation difficult and suggest a poor prognosis for a purely therapeutic intervention. Others may have dementia or other organic brain disease – conditions which will likely worsen over time. Optimal interventions should use prosecutorial, civil, and therapeutic measures appropriate to each individual case to increase the likelihood of compliance and provide humane and effective outcomes for the people and animals involved.

Moreover, steps which are intermediate between criminal justice and a purely therapeutic approach exist in other fields and should be considered for animal hoarding interventions. For example, juvenile courts, which are civil courts, attempt both to hold people accountable for their behavior and to rehabilitate parents and youthful offenders. Offers of voluntary services frequently precede court involvement – and suffice in some cases. The Balanced and Restorative Justice model has become focal in holding

youthful offenders accountable, providing community safety, meaningful restitution to victims and rehabilitation for offenders. Similar approaches may be helpful in animal hoarding cases.

Any argument over the merits of various approaches (prosecution, civil, or therapeutic approach) may create some false dichotomies. For example, the presence of a mental health issue does not preclude criminal responsibility – the standard for overcoming responsibility is very high once a crime is established. It does, however, indicate which responses are more likely to be effective. Multidisciplinary assessment supported by interagency cooperation provides humane avenues to improve the lot of the humans and animals involved in hoarding cases.

Chapter Five: Decreasing the Likelihood of Recidivism

Prevention of animal hoarding, as for any medical disease or behavioral condition, can be viewed as a layered process consisting of primary, secondary, and tertiary prevention.

- ▶ Primary prevention is an effort to avoid the initial onset of a disorder—such as animal hoarding.
- ▶ Secondary prevention attempts to inhibit an acute disorder from becoming chronic or recurrent.
- ▶ Tertiary prevention serves to deter a chronic disorder from becoming more severe.

The area of primary prevention is unexplored territory in animal hoarding, since all of the information to date is cross-sectional – in other words, a picture of a hoarder's life at the time of drastic intervention such as a seizure or threat of prosecution when the disorder is quite acute. Although HARC's research is beginning to provide some clues about the role of early childhood trauma, abandonment, and attachment in contributing to the development of animal hoarding, there is little information about when during adulthood (given that these contributory early childhood experiences have already occurred) primary prevention efforts should begin. Warning signs of animal hoarding have been identified to alert veterinarians, animal shelters, and animal rescue groups (Barnard, 2007; HARC, 2007; HARC, 2008; HARC, 2009; HARC, 2010; HARC, 2011; HARC, 2012; HARC, 2013; HARC, 2014; HARC, 2015; HARC, 2016; HARC, 2017; HARC, 2018; HARC, 2019; HARC, 2020; HARC, 2021; HARC, 2022; HARC, 2023; HARC, 2024; HARC, 2025). Animal hoarders are likely to be drawn to organizations or individuals who may indulge or enable their preoccupation with animals.

Once an intervention has occurred, limiting recidivism will depend on secondary and tertiary prevention strategies designed to reduce the likelihood of recurrence of animal hoarding or minimize the severity of future animal hoarding.

Traditional, fragmented approaches to animal hoarding cases have failed to limit recidivism. Animal protection laws focused on abuse and intent fail to protect animals subject to unintended neglect. Animal welfare responses focused on immediate removal may be at odds with gaining sufficient evidence for prosecution. The client-focused missions of APS and CPS can easily create an inherent conflict between the welfare of the animals and the rights of the clients. These failings permeate the process of intervening in, investigating, and resolving animal hoarding cases.

The cooperative, targeted approaches described so far in this monograph promise to alter this landscape. These approaches can provide real opportunities to decrease recidivism by ensuring short-term compliance.

A cooperative approach can lead to comprehensive solutions targeted to the specific type of hoarder. But even an excellent solution fails if the hoarder does not comply with its terms. Assuring short-term compliance requires an agreement with the right components and adequate monitoring and follow-up. APS service plans and negotiated agreements can provide the basis for ensuring short-term compliance.

APS case management

In general, if Adult Protective Services (APS) becomes involved with the consent of the hoarder (as a case of self-neglect) and of any other dependent adults/elders who may be in the hoarder's home, APS develops a service plan to resolve the identified problems. This plan may provide for a wide variety of services, including counseling, home-care, nutrition (through Meals-on-Wheels or other similar programs), health care, money management, transportation, and other services. The extent and duration of these services will depend upon both individual needs and the program's available resources. Some of these services will come from a variety of community agencies, which also are restricted in the extent and duration of the services they can provide.

Negotiated agreements

Negotiated agreements can be a part of a plea bargain or court-ordered settlement, or part of a civil settlement with a hoarder. There are some advantages and disadvantages to each approach. A plea bargain or court-ordered settlement can be monitored by the probation department. One potential advantage of an agreement monitored by the probation department is that specific criminal penalties can be reinstated as a consequence of failure to adhere to agreed-upon remedies. However, any agreement monitored by the probation department will necessarily be very limited in duration. And if the hoarder flees the jurisdiction, most authorities will not extradite for a misdemeanor offense. Civil settlements, in contrast, provide for longer term monitoring because they are not restricted by specific time

limits. The weakness of a civil settlement, however, has to do with leverage. If a hoarder fails to comply with a civil settlement, the only penalty is contempt of court.

Plea bargained or court-ordered settlements and civil settlements share common requirements to be effective and serve as the basis for short-term compliance. The components of any negotiated agreement should include the following:

- ▶ Specifying the number and type(s) of animals a hoarder can care for in any capacity (e.g., own, foster, rescue, board, kennel)
- ▶ Specifying the details of animal care, including any guidelines that should be followed
- ▶ Stipulating that the agreement covers all premises owned, rented, occupied, borrowed, or controlled by the hoarder for the purpose of housing animals for any of the reasons listed in part the first bullet point above
- ▶ Permitting regular announced and unannounced inspections at reasonable hours and specifying the authority responsible for evaluating animal care
- ▶ Requiring mandatory sterilization of dogs and cats, at a minimum, and prohibiting breeding of any other species
- ▶ Requiring compliance with all relevant laws regarding care, licensing, and vaccination
- ▶ Establishing a plan for regular veterinary care appropriate for the needs of all species involved, including identification of a veterinarian of record, maintenance of records of veterinary care, and provision for inspection of those records by monitors
- ▶ Language noting that the spirit as well as the letter of the agreement will be adhered to, in order to discourage the hoarder from transferring care, supervision, or ownership of animals to a friend or family member to circumvent the intention of the agreement on a technicality
- ▶ Specifying the consequences of failure to comply with the agreement, as well as how failure to comply will be determined

Future animal ownership and/or contact are the crux of any agreement or settlement. This issue typically transcends concern over penalties for both animal welfare and the hoarder. During the negotiation process, several strate-

gies might be helpful in reaching an agreement and ensuring short-term compliance. In some cases of animal hoarding, it may be reasonable to allow a hoarder to maintain a small number of animals under close monitoring because removing all the animals does not help the hoarder learn to resist the urge to acquire more. For the non-sociopathic hoarder, being allowed to retain a few animals could be a real incentive to cooperate. During a negotiation in a criminal prosecution, agreeing to suspend jail time could also be a strong incentive.

Similarly, any agreement or settlement should consider whether the hoarder should or should not be allowed supervised access to animals in shelters or other facilities outside the home. Supervised access to animals outside of the home is controversial in the treatment of animal abusers. There is little clinical experience to suggest whether this is effective or ineffective, but it might be a useful option in some situations. One advantage of this approach is that it can provide for the animal contact and caregiving which is such an important part of a hoarder's identity without risking unsupervised care of animals in the hoarder's home. Additionally, the hoarder can learn about adequate standards of care without having to admit wrongdoing. By working together, the hoarder and shelter staff and volunteers may develop a rapport and respect for each other's constructive efforts.

On the other hand, allowing hoarders to participate in shelter activities can create a real challenge for the shelter staff who are required to deal with the needs and personality issues involved in animal hoarding. Without the regular involvement of a skilled therapist, such an approach is questionable, and without appropriate supervision, in the worst possible case, this could enable a hoarder to acquire new animals. The provisions of future animal ownership or care must be carefully and explicitly spelled out in writing. However, this agreement will only be as good as the monitoring provided.

Just as a variety of stakeholders must cooperate to intervene, investigate, and address a hoarding problem, a variety of stakeholders working together to monitor the hoarder's adherence to an agreement can significantly improve short-term compliance.

APS: Long-term monitoring of hoarding cases is generally beyond the scope of APS. Most APS case management programs do quarterly assessments and strive for short-term involvement. Therefore, collaboration with an animal welfare agency, especially one willing to monitor the hoarder for years, will lengthen the time services are available without burdening the human service agencies which must close cases within a few months.

Stakeholders

Stakeholders include local social service, animal care, community or religious groups may stay involved. If a hoarder is released, an agency or court person should provide ongoing support. Programs have been developed that encourage stakeholders to seek to involve the hoarder in the community, help with chores, and fill basic needs. These programs are designed and trained through reputable programs to help with chores, and fill basic needs. Responsible and caring people who visit regularly and are aware of local resources can help identify appropriate stakeholders at the first signs of relapse.

Some hoarders belong to a church or other religious group, and for them, pastoral counseling may be acceptable. This may include the assistance of church volunteers both in the initial cleanup and in ongoing monitoring.

Probation Office

After a criminal conviction, the probation department will have oversight of the case if the offender is released into the community. Probation may welcome assistance from stakeholder agencies in monitoring a case, especially those with experience beyond probation's scope. There is a need to raise the consciousness of probation officers, and also of judges and prosecutors, about animal hoarding. Therefore, cooperation and buy-in at all levels of the system are essential for good follow-up.

Conditions for probation must be concise and case-specific. The court is likely to reject anything too onerous, and defense attorneys will weigh in on the recommendations. That said, it is worth pursuing the most stringent requirements which can be reasonably attained. It is always possible to relax conditions afterwards based on recommendation of the probation officer. When a mental health exam is ordered, the probation department may or may not be

able to approve the agency or evaluator. However, it should release any information it has about the case to the evaluator, and receive a follow-up report.

Probation officers often are requested to conduct a pre-sentencing evaluation during which they will gather information from police reports, prior probation reports, and other sources. They generally interview the hoarder, obtain family and employment history, and limited information about prior mental health counseling (with a signed release). Probation should contact the victim(s), who, in the case of animal hoarding, is normally represented by the SPCA or shelter involved with the rescued animals. Probation officers should be encouraged strongly to visit the hoarder's home; these visits may be made with other agencies such as Code Enforcement.

During the monitoring phase of probation, probation officers must verify conditions in the home and not take the hoarder's word for the state of things. Verification involves both rigorous interviewing and direct observation because of the power of the compulsion to accumulate animals. Perhaps the best analogy would be a court-ordered drug test to confirm abstinence from illegal drugs for a person convicted of a drug crime. This means doing regular inspections which include looking for hidden animals – in closets, attics, cellars, and outbuildings. Probation officers have heavy case-loads and home visits take extra time. Therefore, partnering with other agencies in the community, especially those that routinely make home visits, can be of great assistance to facilitate effective monitoring.

Guardianships

When hoarders pose a serious danger to themselves or to others; cannot take care of their basic, personal needs for food, clothing, or shelter; or are unable to protect themselves as a result of mental illness, dementia, developmental disability, illness, or accident; guardianship may be needed. Guardianship is a process by which courts appoint responsible parties to manage the affairs of others. Although guardianship laws and definitions vary from state to state, most states have the following types:

- ▶ Mental health guardianships are for people who have mental illnesses that are not being adequately managed despite medical treatment, including schizophrenia, bipolar disorder, and obsessive-compulsive disorder.

- Probate guardianships are for people who are unable to manage on their own and who are vulnerable to abuse, neglect or other harm as a result of developmental disability; dementias that result from aging, illness, accidents, or other non-psychiatric conditions.

Guardians may have responsibility for managing the finances of persons with disabilities (called guardianships of estate, or property) or responsibility for their personal needs, including medical care, food, clothing and shelter. Because persons under guardianship (called wards) may be capable of making decisions about some matters but not others, some states have partial guardianships.

Because guardianship removes some very fundamental rights, establishing them involves an extremely careful assessment and court determination. The process for establishing mental health guardianships often begins during emergencies, when human service professionals, police, fire, or health care workers are called upon to assess people who are believed to pose a danger to themselves or others or are demonstrating a lack of alertness or orientation to person, place, or time. Under these circumstances, the individual may be involuntarily hospitalized temporarily (typically 72 hours) while a formal medical/psychiatric evaluation is conducted. The evaluation is then submitted to the court, where a judge decides whether to appoint a guardian. Mental health guardians, who may include family members, public agencies (called public guardians), or persons within the court system, can make decisions about mental health treatment and medications as well as decisions about wards' finances and personal care.

Probate guardianship is usually initiated when family members, medical professionals, or social service agencies petition courts to appoint guardians. Probate guardianships are often initiated after sudden accidents like strokes or spinal cord injuries have rendered people incapable of managing, or when illnesses like Alzheimer's disease that cause dementia have gradually progressed to the point that patients can no longer manage. Persons or agencies petitioning courts must demonstrate that the persons for whom guardianships are sought are incapable of providing properly for their personal needs, managing their own financial resources, or resisting fraud or undue influence. The disability must be ongoing and consistent. An occasional incident of forgetfulness, wastefulness, or negligence is not enough. Some communities have probate court investigators who investigate all proposed guardianships. Courts may appoint family members, professionals in private practice, private non-profit agencies, or public guardians to serve as probate guardians.

The need for guardianship may become apparent in the course of an animal hoarding investigation when control over hoarders' actions is needed to protect the interests of the hoarder, dependent children or elders, the animals involved, or the public. Guardianship of the person may allow guardians to make decisions about keeping and relinquishing animals on behalf of hoarders. If guardianship is part of a negotiated settlement in a hoarding case, the court should specifically be asked to designate the guardian as the responsible party for making decisions about animals the hoarder may have or acquired.

Establishing Long-Term Change

Even under the best of circumstances, the prognosis for hoarders is guarded. As with other relapsing conditions, hoarding requires constant follow-up and support. Interagency cooperation, strong agreements, and persistent monitoring form the foundation for short-term compliance and lowered recidivism in animal hoarding cases. Long-term change, however, requires stakeholders to challenge and alter some of their own assumptions, to develop new cross-departmental positions, to educate each other, to work to revise laws, and to create a national clearing house for shared information.

Accommodating the hoarder's world view

Two problems dominate hoarding cases: the condition of the environment and the person's behavior. Changing the environment does not change the hoarder's behavior so the problem remains. To change behavior, stakeholders must understand that the underlying motivations have profound psycho-social underpinnings that cannot be summarily dismissed.

Both stakeholders and hoarders must set realistic goals for long-term outcomes, even if these goals fall short of optimal resolution.

Because of the compulsive nature of this behavior and extreme reluctance of hoarders to accept help, there are many good reasons to welcome voluntary compliance. Hoarders who cooperate with authorities are nevertheless dealing with an irresistible compulsion. Realistically, they cannot be expected to change quickly and consistently. Each small step needs to be acknowledged with positive feedback, and regression needs to be expected and accepted without the service provider responding with anger, frustration, or a sense of disappointment or hopelessness.

Hoarders may struggle with self-esteem and with finding their identity and purpose in life. They attach themselves to an image. Therefore, the hoarded animals may play a central role in their lives, which makes the resulting conditions that much more problematic. Understanding all of these factors is essential for formulating the most appropriate intervention.

Behavioral changes are difficult for everyone, and animal hoarders are particularly resistant to change. There is no established psychotherapeutic intervention which has been studied and proven to be effective in animal hoarding, and it is unknown if the techniques involved in treating substance abuse, for example, would be effective, although the Motivational Interviewing technique previously described appears promising.

A range of clinical diagnoses, psychosocial problems, and challenging behavioral disorders are likely to be involved in hoarding. These could include social anxiety, depression, cognitive impairment, unresolved grief, antisocial behaviors, cognitive disorders, narcissism, obsessive compulsive disorder, dementia, schizophrenia, and post traumatic stress disorder. Lack of early childhood attachment/bonding; physical/emotional/sexual abuse, domestic violence either witnessed as a child or experienced as an adult, or development of personality disorders (borderline, in particular) may also complicate the case considerably.

Providing ongoing support and monitoring

A task force and a multidisciplinary team supported by MOUs that delineate a team of service providers will require on-going training, coordination, and monitoring of the professionals as well as the community volunteers who may be recruited for intervention and management. Therefore, it is advisable to designate a trainer/coordinator/monitor within this team. Since the duties of this individual are likely to entail significant time beyond a team member's primary job, it may be necessary to develop a new position within the local or regional humane society network to serve as a Specialist in Human-Animal Health and Welfare. Although human service and public health sectors are significant stakeholders in animal hoarding cases, there would likely be greater incentive to create this type of position within the local or regional humane service organization. Additionally, the humane sector would be more likely to possess greater expertise with animal

hoarding and more willing to develop a position. However, given the limitations in funding in the humane services sector, the position may require stakeholders to contribute to its development and maintenance. This may be the type of innovative program that would lend itself to extramural funding from foundations or community groups.

In order for the stakeholding service providers to share information critical for successful case management, a primary service provider (medical, psychiatric, or social service) will need to address informed consent with the animal hoarder and obtain releases to exchange relevant information to allow for the inter-agency communication that will be necessary.

Involving stakeholders

During this process it is important to reach out to various stakeholders using terminology they can understand and from a perspective that resonates with their agency's mission. This may mean focusing on the welfare of elders and dependent adults for APS workers, on the implications for child neglect for CPS, and on budgetary implications of delayed or ineffective resolution for municipal officials.

Revising animal cruelty statutes

Animal hoarding cases are typically prosecuted as multiples of individual neglect cases, and this can pose a number of problems. Prosecuting in this manner often does not capture the true extent of the situation, whereby the whole is much worse than the sum of its parts. In fact, there are numerous examples where cases were lost, dismissed, or minimized because the physical condition of some animals had not yet caught up with the deterioration of the environment or lack of care of other animals. In other cases, judges were annoyed by hundreds of individual citations for relatively minor offenses, and requested or decided that they be reduced to a much smaller number. The Catch-22 here is that a reduction in number of citations often went hand-in-hand with a reduction in perceived severity of the offense. If the court system allows for co-scheduling of related violations of other local codes or ordinances, that will allow the judge to see the multi-agency response and concern.

Accounting reality

Despite the best efforts of animal welfare agencies, human health agencies, and concerned friends and family members, some hoarders will resist intervention. Some hoarders, even if prosecuted and jailed, will resume their hoarding at the first opportunity. It is an unfortunate reality that truly determined hoarders can seldom be prevented from continuing their behavior. Some may simply ignore official proclamations, or, more commonly, move out of the area to begin again. Often this is a short distance – over county or city lines. Authorities may evict the hoarder, condemn the house, remove the animals, and prohibit future ownership, but recidivism can still occur once the hoarder settles into a new and unmonitored home. Agencies involved rarely know the hoarder's new address, and transferring these cases to other jurisdictions even if the addresses were known is difficult. It is extremely difficult to track hoarders for a number of reasons:

- ▶ cases are prosecuted at the local level,
- ▶ violations are often no more than misdemeanors,
- ▶ many cases are dismissed without a finding, and
- ▶ hoarders move.

National, regional, or even local clearinghouses for hoarding cases do not appear to have been established; however, a private website, www.hoarding.com, has begun tracking some reported cases along with outcomes. This type of effort will become even more important in the future as technological advances such as the Internet make it easier for hoarders to acquire animals from long distances.

Final Thoughts

Hoarding of animals causes extreme suffering for hundreds of thousands of animals each year, jeopardizes the health of hoarders and their family members, incurs substantial costs for communities, and is rarely effectively or permanently resolved using existing statutory remedies for the crime of cruelty to animals.

To begin to rectify this problem, policies, procedures and interventions must be updated. A number of research and policy needs are clear, and many have been discussed in some depth in this book. Some of these are pragmatic and can be readily addressed, but others require a more long-term investment in empirical work. Psychological evaluations of animal hoarders are essential to improve understanding of the underlying characteristics and scope of co-morbid disorders, to guide better informed psychological treatment strategies. Longitudinal studies of animal hoarders are needed to elucidate developmental aspects of animal hoarding, including identifying psychological, social, and environmental triggers for the behavior. More sophisticated understanding of the types of animal hoarders and the interventions that are most effective for each is required. Finally, the problem needs to be viewed as a community and human health problem, as well as one of animal welfare.

The most pragmatic and far-reaching solution may also be the one that is most immediately implemented – cooperation and engagement by stakeholders. On a daily basis, communities across the United States continue to encounter animal hoarding and all of its attendant problems that impair the welfare of animals and people. It is our hope that this monograph will increase the awareness of the complexity of the problem of animal hoarding and provide some guidance to collaboration, so that all potential stakeholders can become involved in creating solutions which will improve human and animal health and limit the potential for recidivism.

For more information please visit the HARC website at www.aetv.edu/vet/cfo/hoarding

Appendix 1: Biographies of Contributors

Arnold Arluke, PhD

Arnie Arluke is Professor of Sociology at Northeastern University and Senior Research Associate at the Tufts Center for Animals and Public Policy. After receiving his Ph.D. in Sociology at NYU, he completed a postdoctoral program in Public Health at Harvard Medical School. Trained as a medical ethnographer, his research eventually led him to study the uneasiness underlying human-animal relationships in biomedical laboratories. There soon followed other studies where the treatment of animals appeared conflicted, especially in settings where people harmed animals, whether intentionally or not. It is this focus, plus his training as an ethnographer, that brought him to the original formation of HARC. His books include *Regarding Animals* (Temple University Press, 1996), *Brute Force: Animal Police and the Challenge of Cruelty* (Purdue University Press, 2004), *Just a Dog: Cruelty, Self, and Society* (Temple University Press, 2006), and *The Sacrifice: How Biomedical Experiments Transform Animals and People* (Purdue University Press, 2006).

Colin A. Berry, PhD

Colin A. Berry is Program Coordinator for The Humane Society of the United States' (HSUS) Northern Rockies Regional Office in Billings, Montana. As an undergraduate majoring in anthropology and English, Berry focused her studies on social change in the animal welfare movement. She also spent time working at a veterinary clinic and interning with a non-profit animal assistance organization in North Carolina. After graduating, she worked as foster care director and adoptions counselor at Memphis Shelby County Humane Society. She went on to earn her MS in Animals and Public Policy from Tufts University School of Veterinary Medicine (North Grafton, MA). Her studies included human-animal relations, ethics, and policy issues surrounding companion, farm, research, and wild animal welfare. Recently, she completed a study, "Animal Hoarding: A Study of 56 Case Outcomes", co-authored by Gary Patronek and Randall Lockwood, PhD, which was published in the *Animal Law Review*, Spring 2005, Edition. This study uncovered a disparity between the ways different jurisdictions handled hoarding cases, a lack of case follow-up, and limitations in prosecution resulting from short-comings in state anti-cruelty statutes.

Randy Frost, PhD

Randy Frost is the Harold Edward and Elsa Siipola Israel Professor of Psychology at Smith College. Frost has taught at Smith since 1977. He has also taught psychology as an assistant professor at the University of Missouri. Currently, Frost is co-coordinator of the Obsessive Compulsive Cognitions Working Group, an international group of researchers devoted to studying cognition and cognitive processes in OCD. He is co-Investigator in a NIMH funded treatment development project entitled, "Treatment of Compulsive Hoarding." He is also Principal Investigator on another NIMH funded project studying the "Psychopathology of Compulsive Hoarding". Over the past several decades, Frost also has had numerous opportunities to speak on behavioral issues, including conducting workshops in Great Britain, Italy, Sweden, Australia, and Canada. His primary research interest lies in obsessive compulsive disorder and the nature and treatment of compulsive hoarding. With numerous journal articles published on the subject, Frost has also recently published a book with Gail Stekeree, PhD., *Cognitive Approaches to Obsessions and Compulsions: theory, assessment, and treatment.*

Belinda Lewis, MS

Belinda Lewis has been the Director of Animal Care and Control in Fort Wayne since 1987. She attended Northern Illinois University, earning her bachelors degree in Biology and Biochemistry. Throughout her school years and after, she worked as a veterinary technician in both small and large animal medicine. In 1983, Lewis accepted a position as the Executive Director of a small Humane Society in Alpena, Michigan. After completing the HSUS Animal Control Academy in 1986, she served as the Director of Animal Control for city and county of Evansville, Indiana for a year, before accepting her current position. Since living in Fort Wayne, Lewis has earned an MB in Business Management, graduated from the Fort Wayne Police Academy, and served with the Fort Wayne Police Reserves for ten years. She also joined her department in recognizing the connection between hoarding animals and mental health in the mid-eighties. A progressive program for the time, Animal Care and Control teamed up with Fort Wayne's Adult Protective Services to imple-

ment a program aimed at reducing recidivism by involving all potential agencies who may be able to provide an intervention on behalf of both the animals and the hoarder. This approach became the standard for Fort Wayne is still used today. Lewis has also accompanied a team from Humane Society International to assist with Animal Control Issues, specifically animal bite prevention, faced by the City of Bucharest in Romania. Currently, Lewis is seated on the HSUS National Companion Animal Advisory Group and serves on Indiana's State Board of Animal Health, and Companion Animal Advisory Committee.

LYNN LOAR

Lynn Loar is the president of the Pryor Foundation, a non-profit organization devoted to the study and promotion of methods that facilitate behavioral change exclusively through positive reinforcement. She is also a social worker in the San Francisco Bay Area with expertise in familial abuse and neglect across the lifespan and in the role that cruelty to and neglect of animals play in family dysfunction and violence. As a social worker, she provides advocacy and training to human service and animal welfare agencies about neglect, abuse and violence affecting children, elders, dependent adults, people with disabilities and animals. Loar is the former educational coordinator of the San Francisco Child Abuse Council, and the co-founder, with Ken White, then with the San Francisco Department of Animal Care and Control, of the Humane Coalition Against Violence. She has also designed and implemented treatment programs that teach gentleness and empathy to child victims of abuse and neglect, including the Strategic Humane Interventions Program (SHIP) which received a 3-year grant from the California Governor's Office of Criminal Justice Planning (OCJP). Loar also directed the Community-Based Sex Offender Treatment Program at San Quentin State Prison. Additionally, she co-sponsored legislation that increased protections for child victims of sexual abuse as well as legislation that added fire fighters, state humane, and animal control officers to the mandated reporters of child abuse and neglect in California. Loar also worked with OCJP on legislation that added state humane and animal control officers to the mandated reporters of abuse and neglect of elders and dependent adults. She and Randall Lockwood, Ph.D., of the Humane Society of the United States, designed and implemented training programs for therapists providing court-ordered treatment for people convicted of neglect of or cruelty to animals. Loar

is the co-author, with Libby Colman, Ph.D., of Teaching Empathy: Animal-Assisted Therapy Programs for Children and Families Exposed to Violence, published by the Latham Foundation in 2004.

SARAH LUICK

Sarah Luick received her law degree from Suffolk Law School in Boston and has been an Administrative Law Judge in Massachusetts State Government with the Division of Administrative Law Appeals for over 20 years. She decides cases involving various state agencies and is also trained to do state agency mediation in lieu of formal legal proceedings. Luick has been a board member of the Animal Legal Defense Fund (ALDF) since the early 1980's, where she has been involved in efforts to improve anti-cruelty laws and to enact new laws protecting the interests of animals at law, outreach to the legal community involved in animal law, and research on animal cruelty issues in general and for pending cases. Among her many community-service activities, she is also involved in the Link Up Education Network (LUEN), which brings together persons involved in animal welfare work, social services, law enforcement, and veterinary care to address the link between animal cruelty and domestic violence/child abuse.

CARTER LUKE

Carter Luke, a former elementary school teacher, with a BA in Mathematics and Wildlife Ecology, has been involved in the animal protection field since 1977, working for 3 humane organizations in Wisconsin and Massachusetts. He is currently the Vice President of Animal Protection for the Massachusetts SPCA and directs the activities of the MSPCA's statewide law enforcement department as well as 7 shelters, a farm, and the MSPCA's advocacy programs. He is a founding board member of the National Council on Per Population Study and Policy, the Massachusetts Animal Coalition, and is a member of HARC, the Hoarding of Animals Research Consortium. He is a governor-appointed public member of the Massachusetts Property Insurance Underwriters Association. For the past 18 years, he has been extensively involved in research in such areas as companion animal population dynamics, free roaming cats, cruelty and violence toward animals, dangerous dogs, and animal hoarding.

Joshua K. Marquis, JD

Joshua Marquis is the District Attorney for Clatsop County, Oregon, where he has held this position since 1994. He received his Juris Doctor degree from the University of Oregon School of Law. Since then, he has served as Chief Deputy District Attorney of Deschutes County, Oregon; a trial attorney and Deputy District Attorney in Eugene, Oregon; Chief Deputy District Attorney and Lincoln County District Attorney in Newport, Oregon; and Special Assistant to California's Attorney General. Over the span of his 31 year career, he has prosecuted hundreds of jury trials and tried dozens of major felony cases including numerous homicide cases. Marquis has been an instructor at several colleges and has served as an instructor for the Oregon District Attorney's Association since 1990. In 1995, Marquis successfully prosecuted Vickie Kittles, in perhaps the most famous animal hoarding case to date. The Kittles Case and its Aftermath, his review of the case, was published by Animal Law in 1996. Marquis has also testified before the United States Senate Judiciary Committee. In addition to his work in the courtroom, Marquis has made several guest appearances on National Public Radio (NPR) to discuss justice and capital punishment. He has also appeared on several television broadcasts including ABC's "TV Nightline," NBC's "Dateline," Court TV's "Anatomy of a Crime," and two segments of Discovery Channel's "The Prosecutors." Most recently, Marquis was the 2003 recipient of the "Outstanding Contributions to Victim Advocacy" award, given by the Oregon State Attorney General.

Dr. Edward Messner, MD

Dr. Edward Messner is currently an Associate Clinical Professor of Psychiatry at Harvard Medical School, where he has been involved as an instructor since 1962. Additionally, he is a Psychiatrist at Massachusetts General Hospital. After Dr. Messner earned an M.D. from Harvard Medical School, he received military training at the United States Air Force School of Aviation Medicine in San Antonio, Texas. He then went on to hold a fellowship in Child Psychiatry at the Douglas A. Thom Clinic in Boston as well as fellowships in Research Psychiatry at Massachusetts General Hospital and Harvard Medical School. Dr. Messner has received numerous awards for his exemplary teaching skills, including the Bulfinch Award for Outstanding Teaching and the Best Teacher Award, both from Massachusetts General Hospital. He has also

written two books, Resilience Enhancement for the Resident Physician and Becoming a Therapist: What Do I Say...and Why?.

Jane N. Nathanson, MSW, DVM, MPH

Since 1975, Jane N. Nathanson has been providing social work, rehabilitation, and training to individuals, families, and groups in need of guidance and support related to crisis intervention; disability and elder care management; and personal and career development. In 1987, Ms. Nathanson expanded her private practice to include program development and specialized services for pet care providers, veterinary staff, and humane services workers with regard to issues of human-animal bonding and coping with the challenges associated with acute, chronic, and end-of-life care giving. Since 1999, Ms. Nathanson has been a member of the Hoarding of Animals Research Consortium, and has concurrently developed the Animal Hoarding Pilot Project for the Massachusetts SPCA's Animal Protection Division, for whom she continues to conduct crisis intervention and case management services. In addition, Ms. Nathanson provides professional training workshops and seminars in communication skills, client relations, and occupational stress management to promote both human and animal wellness.

Lisa Nerenberg, MSW, MPH

Lisa Nerenberg is a private consultant to local, state and national organizations involved in elder abuse prevention and adult protective services. She received her MSW and MPH degrees from the University of Minnesota. As an active leader in the field of elder abuse prevention for over 20 years, Nerenberg has directed the San Francisco Consortium for Elder Abuse Prevention at the Institute on Aging, which piloted the nation's first elder abuse multidisciplinary team and other innovative service models that have been replicated across the United States and Canada. These include a support group for victims, culturally specific outreach initiatives, and professional training for diverse disciplines. She has also made presentations at hundreds of professional forums, testified before subcommittees of the United States Senate, served on governmental advisory committees and panels, and provided training and technical assistance to state and local programs regarding elder abuse. Furthermore, Nerenberg has also authored numerous articles, chapters and publications, including a series of technical assistance manuals for

the National Center on Elder Abuse (NCEA) on topics ranging from coalition building to developing daily money management programs as well as articles about the interface between the elder abuse prevention services and other service networks including adult protective services, the criminal justice system, victim-witness assistance programs, geriatric mental health and domestic violence. Currently, she is working with the San Francisco Superior Court on a special project to improve access to legal services for vulnerable elders. Project activities include a retrospective review of adult guardianships (called conservatorships in California), which revealed that hoarding was among the factors prompting conservatorship. She is also providing consultation to the National Indian Council on Aging in identifying promising tribal approaches to preventing elder abuse and co-authoring a comprehensive curriculum on elder abuse for law enforcement for the U.S. Department of Justice, Office for Victims of Crime.

Michelle Papazian, MSW

Michelle Papazian has been a clinical social worker at Boston Children's Hospital for 20 years. She received her MSW from Boston University and a Graduate Certificate in Social Work in Health Care from Massachusetts General Hospital's Institute of Health Professions. Papazian has served as Adjunct Professor at Wheelock College and now actively participates in the Center for Holistic Pediatric Education and Research at Boston's Children's Hospital. While Papazian is particularly interested in human-animal relations and holistic interventions including relaxation therapy, she remains dedicated to her work with chronic illness populations as well as with those coping with bereavement and loss. Maintaining a private practice in Boston, Papazian works within a family-centered, strength based model which empowers patients and families by building on their adaptive coping mechanisms and resiliency. She has also made numerous presentations on issues related to coping with pediatric HIV/AIDS as well as family bereavement. Additionally, she has co-authored a publication in the *Annals of Behavioral Medicine* on increasing medication adherence in the pediatric HIV population. Papazian has served as Project Interviewer for HARC since 2001, and has collaborated with HARC members on journal articles regarding animal hoarding.

Dr. Patricia Patronek, PhD

Dr. Patronek received a degree in veterinary medicine from the University of Pennsylvania in 1984. After a short stint in private practice, he became the Director of the Chester County SPCA in West Chester, PA. It was in that position that he first encountered animal hoarding. He later pursued a PhD in epidemiology in the Center for Human-Animal Bond at Purdue University, and became a faculty member at Tufts University School of Veterinary Medicine. From 1997 – 2003, he was the Director of Tufts Center for Animals and Public Policy. His academic and research interests include the link between human and non-human animal health and welfare, including the sentinel value of animal abuse for human violence. It was during that time that he began academic research into the problem of animal hoarding and founded the Hoarding of Animals Research Consortium (HARC). He currently works in the private sector in medical communications.

Gail Steketee, PhD

Gail Steketee, PhD is a professor at the Boston University School of Social Work where she chairs the Clinical Practice Department. She received her master's in social work (MSS) and her PhD from Bryn Mawr Graduate School of Social Work and Social Research. She has conducted a variety of research studies on the psychopathology and treatment of obsessive compulsive disorder, recently focusing on familial factors that influence treatment, on cognitive therapy for OCD and on the psychopathology and treatment of compulsive hoarding. She has been Principal Investigator or Co-Investigator of several NIMH-funded studies on OCD, compulsive hoarding and body dysmorphic disorder (BDD). A 4-year NIMH collaborative grant was awarded to Dr. Frost and Dr. Steketee in January, 2005 to study the psychopathology of compulsive hoarding. With Dr. Frost, she co-chairs an international research group, the Obsessive Compulsive Cognitions Working Group (OCCWG) dedicated to the study of cognitive aspects of OCD. She has published numerous articles, chapters and books on OCD and related disorders, including *When Once is Not Enough: Treatment for Obsessive Compulsive Disorder*; *Overcoming Obsessive Compulsive Disorder*; and *Cognitive Approaches to Obsessive Compulsive Disorder: Theory, Assessment and Treatment*. New books on compulsive hoarding to be published by Oxford Press are currently underway. Currently, she is working on research projects involving OCD, BDD and compulsive hoarding, as well as the nature and interventions for the compulsive hoarding of animals with the Hoarding of Animals Research Consortium (HARC).

Appendix 2:
Fort Wayne, IN Animal Care Ordinance

§ 21.107 IMPOUNDMENT; REDEMPTION

- (A) Animals found in cruel, abusive or neglectful situations, animals trained, bred or kept for the purpose of animal fighting, animals considered dangerous, animals abandoned as a result of owner arrest, or animals that have been abandoned, may be promptly seized, provided, however, that the Animal Control Officer shall leave written notice stating the location of the animal and the reason for impoundment.
- (B) Animals so removed will be impounded and held at the Department of Animal Control or a designated facility provided, however, that in no event shall this period exceed 5 calendar days, at which time the animal shall become the property of the Department of Animal Control. An animal may be held longer if an extension is necessary for the Animal Control Officer to have ample time to prepare a court case if prosecution is warranted, or a request for a bond has been filed as provided in section E. In the case of animals impounded for quarantine at the Department of Animal Control, the animal will become the property of the department if not claimed by closing time of the department on the eleventh day of the quarantine. Owners requesting quarantine but failing to claim animals at the end of the quarantine period will be responsible for all medical, quarantine, and euthanasia fees.
- (C) Animals impounded for reasons of tragedy beyond the control of the owner, such as but not limited to house fire, or death of the owner, will be held for 7 calendar days during which time a reasonable effort will be made to contact the owner and/or their representative to make reclaim or alternative housing arrangements. After the seventh day of impoundment, the animals will become the property of the Department of Animal Control.
- (D) Animals awaiting disposition by the courts shall remain in the custody of the Department of Animal Control, unless such disposition is made, or placed in a foster home until legal arrangements have been completed.
- (E)(1) Pursuant to impoundment of an animal under section (A), the Department of Animal Care and Control may file a petition with the Court requesting that the owner or custodian of the animal post a bond to cover the costs of care of the animal while it is in the custody of the Department. This petition shall be accompanied by an affidavit or statement of the Department that sets forth an estimate of the reasonable expenses that the Department expects to incur providing for that care. Reasonable expenses include but are not limited to the estimated cost of veterinary care, food and board for the animal. The owner or custodian of the animal shall be provided written notice of the petition by personal service or certified mail. Any such mail shall be sent to the last known residence, or, if this address is not known, such notice shall be sent to the address from which the animal was seized. Refusal to accept certified mail or failure to receive mail due to other delays will not negate this section.
 - (a) The Court or hearing body to which the petition is filed shall hold a hearing on the petition. At the hearing, the Department has the burden of proving that there is probable cause to find that the animal was the subject of a violation as listed under section (A). If the Court finds that probable cause exists, the Court shall order the owner or custodian of the animal to post a bond to cover the cost of the care of the animal for a minimum of 30 days.
 - (b) Bond must be posted within a maximum of three business days following the bond hearing judgment. If bond has not been posted within the allotted three business days, the animal shall immediately become the property of the Department of Animal Care and Control.
 - (c) Bond must be posted at the Department of Animal Care and Control Shelter in cash or certified funds only. The bond shall be deposited into the city's general trust fund, in a subaccount specific for each case. The Department may draw on this account to cover the actual expenses incurred in the care of the animal.

- (d) If, at the end of 30 days, the matter for holding said animal(s) has not been adjudicated, another bond must be posted. the renewal bond must be paid no later than the close of business on the thirtieth day. If the thirtieth day should fall on a weekend or holiday, the bond must be posted by the close of business on the last regular business day prior to the weekend or holiday. The bond must be renewed every 30 days thereafter until the matter is adjudicated by the court or hearing body having jurisdiction. Failure to repost bond at the end of any 30 day period will be considered voluntary relinquishment of the animal(s).
 - (e) Upon conviction of the accused, the court or hearing body, at its discretion may order any remaining bond money and/or the animal(s) forfeited to the Department of Animal Care and Control.
 - (f) In the event of the acquittal or final discharge, without conviction of the accused, the court or hearing body shall direct the delivery of the animal(s) and any bond posted, less any reasonable medical, housing and administrative costs.
- (2) The bond is intended to cover but not be limited to housing and feeding, emergency medical care, immunizations and routine medical care. Animals displaying signs of illness or injury at the time of impound, will be treated immediately at the expense of the owner or custodian. Animals that have not been inoculated for or are not current on inoculations for ailments common to its species will be inoculated at the expense of the owner or custodian. Any animal displaying symptoms of illness or injury which, in the opinion of a licensed veterinarian, would cause undue suffering to that animal or pose a substantial health risk to other animals in the shelter shall be humanely euthanized immediately.
 - (3) This section applies to any and all animals housed at the Fort Wayne Department of Animal Care and Control Shelter, or under the direction of the Fort Wayne Department of Animal Care and Control at a remote facility, irrespective of the agency that seized the animals.
 - (4) Animals so removed may be transported to a licensed veterinarian for examination and/or treatment. If, in the opinion of said veterinarian, the animal must be destroyed, euthanasia will be performed immediately. Costs of treatment, euthanasia, and/or care shall be the responsibility of the owner/agent.

('74 Code, § 6-22)

- (F) A person may reclaim an animal in the custody of the Department of Animal Control upon providing the following:
 - (1) Proof of ownership, and
 - (2) Payment of redemption fee and any other service/medical fees, as approved by the Director.
 - (3) It shall be mandatory that any dog or cat not displaying a current city pet registration or current identification tag if not a city resident, affixed to its collar, after the effective date of Ordinance G-16-95, passed 6-13-95, upon its redemption by its owner, and prior to its release by the Department of Animal Control, be implanted with a microchip and registered for purposes of identification and recovery. The cost for this process shall be at the owner's expense before the animal's release.
 - (4) All animals shall be registered with the City of Fort Wayne prior to release, or require enforcement action to mandate registration.
- (G) Stray or at-large animals will be held three working days at the Department of Animal Control.
- (H) Unclaimed animals become the property of the Department of Animal Control and may be placed for adoption or humanely euthanized, pursuant to § 91.120(H)(4).
- (I) An animal that has been previously impounded stray or at-large and is now being redeemed for the second or subsequent redemption, will be required to be spayed or neutered by a licensed veterinarian at the owners expense. Arrangements to perform the procedure must be made within 24hrs of reclaim and enforcement action pending spay/neuter completion will be issued at the time of reclaim.

('74 Code, § 6-23)

(Ord. G-14-81, passed 9-22-81; Am. Ord. G-32-86, passed 8-26-86; Am. Ord G-20-90, passed 8-28-90; Am. Ord. G-16-95, passed 6-13-95; Am. Ord. G-08-98, passed 1-27-98)

Appendix 3:

Sample Interagency Memorandum of Understanding (I)

Health Facilities Joint Protocol Between New Mexico Department of Health, New Mexico Children, Youth and Families Department, New Mexico Human Services Department, and New Mexico Aging and Long Term Care Department

The purpose of the protocol is to ensure maximum coordination in the management of allegations of abuse, neglect and exploitation of persons in health facilities in New Mexico, thus improving their quality of life. The primary concern of those involved in this process is maintaining and promoting the health, safety, rights and dignity of individuals. The NM Children, Youth & Families Department (CYFD) Protective Services Division, the NM Department of Health (DOH) Division of Health Improvement, the NM Aging & Long Term Care Department (ALTCDC) Long Term Care Ombudsman Program, and the NM Human Services Department (HSD) Medical Assistance Division, or the successor(s) of these agencies, all have roles in responding to suspected abuse, neglect and/or exploitation. These roles, which are governed by statute, regulation and policy, mandate that each agency conduct specific activities with respect to allegations of abuse, neglect and/or exploitation. Through this protocol, each agency agrees to cross-refer, cooperate and communicate in the management and investigation of such allegations and to maintain the confidentiality of any confidential information obtained or exchanged during the course of any investigations. Collectively, Health Facilities Joint Protocol members have agreed to adopt and implement operational guidelines for on-going communication, management of referrals and conducting investigations of abuse, neglect and exploitation, including joint investigations. The Joint Protocol process is intended to maximize limited available resources, minimize trauma to clients associated with multiple investigations and to cooperate fully to assure thorough investigations. Joint investigations may not be feasible in all cases; therefore, Health Facilities Joint Protocol members shall share investigative information and findings, unless otherwise prohibited by law. Coordination among the agencies which are parties to this protocol will be assured by regular communication and sharing of allegations, findings and evidence among representatives of each agency. This protocol among New Mexico state agencies is mandated by Sec. 24-1-5(L) NMSA 1978, a section of the NM Public Health Act.

ROLES OF PARTICIPATING AGENCIES

AGING AND LONG TERM CARE DEPARTMENT

(Long Term Care Ombudsman Program)

The Long Term Care Ombudsman Program of the Aging and Long Term Care Department advocates for the rights of residents of long term care facilities. The Long Term Care Ombudsman Program is authorized by law to: (1) investigate and resolve complaints on behalf of residents of long term care facilities; (2) recruit and train volunteers to advocate for the rights of residents of long term care facilities; (3) analyze, monitor and recommend changes in laws, regulations and policies which affect residents of long term care facilities; and (4) provide information to other agencies and the public regarding problems and concerns of residents of long term care facilities. The Long Term Care Ombudsman Program is mandated by the Older Americans Act, 42 U.S.C. § 3058g and enabled by New Mexico's Long-Term Care Ombudsman Act (Secs. 28-17-1 through 28-17-19 NMSA, as amended).

DEPARTMENT OF HEALTH

(Division of Health Improvement)

The New Mexico Public Health Act (Secs. 24-1-1 through 24-1-22 NMSA 1978, as amended) requires that health care facilities be licensed in accordance with applicable State Rules and Regulations. The Division of Health Improvement of the Department of Health is the designated agency for monitoring facilities certified to receive reimbursement under the Social Security Act with regard to compliance with Medicare and/or Medicaid regulations. Division staff conduct scheduled on site surveys of licensed and/or certified facilities. The Division investigates allegations of non-compliance with applicable laws, rules and regulations and is authorized to require corrective actions and impose sanctions.

CHILDREN, YOUTH & FAMILIES DEPARTMENT

(Adult Protective Services)

The New Mexico Protective Services (APS) Act (Secs. 27-7-14 through 27-7-31 NMSA 1978, as amended) declares that many adults in the state are unable to protect themselves from abuse, neglect or exploitation, or are unable to manage their own affairs. The Act directs the Children, Youth & Families Department (CYFD) to "develop a coordinated system of protective services for incapacitated or protected adults". CYFD has a number of legislatively mandated duties, but of particular importance is the directive that APS "shall investigate all reports of suspected abuse, neglect or exploitation of adults...and take whatever action is necessary." Included in necessary action is the provision of protective services to an incapacitated or protected person with the person's consent or by obtaining appropriate legal authority through the state district courts.

HUMAN SERVICES DEPARTMENT

(Medical Assistance Division)

The Human Services Department (HSD), through its Medical Assistance Division, has the authority to investigate potential violations of the Medicaid Fraud Act and to impose sanctions or penalties against providers for violations of the Medicaid Fraud Act (42 CFR § 455.14 and Sec. 30-44-3 NMSA 1978). HSD is required, under Sec. 8.351.2.9 NMAC, to impose sanctions or penalties against providers for fraud, violations of federal or state law, failure to meet professional standards of conduct, non-compliance with Medicaid policies, violation of the Medicaid Providers Act, and/or other misconduct. HSD is also required to recover overpayments made to Medicaid providers. Investigations conducted by other agencies regarding allegations of Medicaid provider abuse, neglect and/or exploitation of New Mexico Medicaid recipients can also be used by HSD to impose sanctions, corrective actions or other remedies, impose additional sanctions or remedies, or conduct additional investigations when appropriate.

OPERATIONAL GUIDELINES

I. Scope of the Health Facilities Joint Protocol

A. Goals

- To improve the quality of care and protect the health and safety of individuals in health facilities in New Mexico.
- To identify systems issues, which, may not cause actual harm but collectively, place residents/recipients at risk and compromise their health and safety.
- To develop strategies to address systemically identified patterns of abuse, neglect and exploitation and areas of concern and to collectively implement plans to monitor and remedy such issues within the guidelines of each agency.
- To identify health facility issues and recommend changes.
- To share information regarding allegations of abuse, neglect or exploitation.
- To improve communication between Health Facility Joint Protocol member agencies.
- To utilize the strengths of each member agency to improve the quality of health facilities.
- To regularly evaluate the effectiveness of the Health Facility Joint Protocol.
- To conduct joint investigations as practical and permissible by law.
- To assure facility fiscal accountability and compliance.

B. Ensuring Health, Safety and Rights of Individuals in Health Facilities

1. Aging & Long Term Care Department (Long-Term Care Ombudsman Program) will:

- a. investigate and resolve allegations of abuse, neglect and exploitation; resident's rights; and quality of care complaints in health care facilities.
- b. work to resolve complaints, that do not rise to the level of abuse, neglect or exploitation, collaboratively (when appropriate) with facilities, family members, and/or other involved parties.
- c. refer complaints that are substantiated and remain unresolved to the appropriate HFJP members.
- d. provide supporting documentation for substantiated and unresolved complaints to the appropriate HFJP members on a timely basis.

2. Department of Health (Division of Health Improvement) will:

- a. investigate complaints regarding potential violations of State and Federal law and regulation applying to health care facilities.
- b. provide completed reports, and any subsequent modifications, of substantiated complaints of regulatory violations to appropriate HFJP members.
- c. provide, on a timely basis, supporting documentation for completed reports of substantiated complaints to the appropriate HFJP members, unless otherwise prohibited by law.

3. Children, Youth and Families Department (Adult Protective Services) will:

- a. investigate allegations regarding abuse, neglect or exploitation.
- b. upon completion of an investigation, the CYFD/Protective Services Division/APS, will ensure that copies of the Findings Letter, and any subsequent administrative review determinations, are sent to all HFJP members on a timely basis.

4. Human Services Department (Medical Assistance Division) will:

- a. investigate potential violations of the Medicaid Fraud Act.
- b. review DOH and CYFD sanctions, recoupments, corrective action and other remedies to assure fiscal accountability and facility compliance.
- c. conduct additional investigations and impose additional sanctions, recoupments corrective action and other remedies where appropriate.
- d. share findings and any subsequent modifications of those findings with HFJP members on a timely basis.

Appendix 4:

Sample Interagency Memorandum of Understanding (2)

Memorandum of Understanding Between the Texas Department of Protective and Regulatory Services, Region # _____ AND (insert name of Shelter)

I. PURPOSE

This agreement is between the Texas Department of Protective and Regulatory Services, Region # _____ [including both the Child Protective Services (CPS) and Adult Protective Services (APS) divisions], hereafter PRS, and the Family Violence Shelter [insert name of Shelter and area served], hereafter Shelter. The purpose of this agreement is to establish policies and procedures to facilitate cooperation between PRS and the Shelter in the areas described below.

II. TERMS

The terms used in this document are defined in the attached glossary.

III. NONDISCRIMINATION

The Shelter and PRS will not discriminate in the provision of services based on race, color, national origin, sex, sexual orientation, disability, age, political beliefs, or religion.

IV. ASSESSMENT

A. The Shelter agrees to:

1. Screen cases for child abuse or neglect during intake;
2. Screen cases for abuse, neglect or financial exploitation of an adult who is disabled or is age sixty-five or older during intake;
3. Observe physical or behavioral signs for evidence of abuse or neglect of children, disabled adults or adults sixty-five or older and for evidence of, or information regarding, financial exploitation of disabled adults or adults sixty-five or older; and
4. Document assessment information obtained pursuant to the rules and regulations of the Texas Department of Human Services.

B. PRS agrees to:

1. Screen APS and CPS cases for the presence of domestic violence;
2. Observe physical or behavioral signs of domestic violence; and
3. Document domestic violence according to Section 40.0521(a) of the Human Resources Code, department rule, and policy.

V. REPORTING AND REFERRALS

Section 261.101 of the Texas Family Code requires persons to report suspected abuse or neglect of children. Section 48.051 of the Human Resources Code requires persons to report suspected abuse, neglect, or exploitation of elderly or disabled adults.

- A. The Shelter agrees to assure that abuse, neglect, and exploitation are reported to the PRS Hotline, 1-800-252-5400, in the following situations and in the following manner:
 1. For child abuse or neglect,
 - a. If the parent or child indicates that abuse or neglect has occurred, Shelter staff will,
 - i) Encourage the parent to report the abuse or neglect to PRS and ensure that this occurs; or
 - ii) Report the abuse or neglect to PRS if the parent does not.
 - b. Shelter staff having cause to believe that a child is being, has been, or may be abused or neglected will report the following information, if known, to PRS as required by Section 261.104 of the Family Code whether or not the parent admits abuse or neglect has occurred:
 - i) The name and address of the child;
 - ii) The name and address of the person responsible for the care, custody, or welfare of the child; and
 - iii) Any other pertinent information concerning the alleged or suspected abuse or neglect.
 2. For adult abuse, neglect, or exploitation,
 - a. If a covered adult indicates that he or she has been abused, neglected, or exploited, Shelter staff will,
 - i) Encourage the adult to report the abuse, neglect, or exploitation to PRS and ensure that this occurs; or
 - ii) Report the abuse, neglect, or exploitation to PRS if the adult does not.
 - b. Shelter staff having cause to believe that an elderly or disabled person is being, has been, or may be abused, neglected, or exploited shall report the following information, if known, to PRS as required by Section 48.051(d) of the Human Resources Code whether or not the covered adult admits abuse, neglect, or exploitation has occurred:
 - i) The name, age, and address of the elderly or disabled person;
 - ii) The name and address of any person responsible for the elderly or disabled person's care;
 - iii) The nature and extent of the elderly or disabled person's condition;
 - iv) The basis of the reporter's knowledge; and
 - v) Any other relevant information.
- B. PRS agrees to see that individuals whose safety may be jeopardized due to domestic violence receive accurate information. If CPS or APS clients indicate that they are experiencing domestic violence, then the caseworker will:
 1. Inform the client about domestic violence services available in the community, including shelter and nonresidential services, as required by Section 40.0521(b), Human Resources Code;
 2. Create a safety plan with the adult victim that addresses the safety of both the adult victim and the child victim. The plan will include the basics of a standard domestic violence safety plan;
 3. Contact the liaison at the shelter if the client desires to access shelter services or if the caseworker has referred the client to the shelter; and
 4. If an ongoing PRS case is opened, any plan of service for the child, adult victim of domestic violence, or the perpetrator of domestic violence should address issues relating to domestic violence.

VI. INVESTIGATIONS

When PRS receives an allegation of abuse or neglect of a child or abuse, neglect, or exploitation of an adult who is disabled or is age sixty-five or older who may be residing at the Shelter, the following procedures are agreed to promote effective investigations within the limits of each agency's legal authority and responsibility.

A. The Shelter agrees:

1. To verify that the person requesting access to a parent, child, or covered adult is a CPS or APS caseworker;
2. After verification, to ensure that the liaison or designee at the shelter responds to the call immediately;
3. That the liaison will assist in arranging an interview with the parent and children or covered adult, if residing in the shelter;
4. To answer questions if the shelter staff person has information about allegations of abuse, neglect, or exploitation;
5. To share relevant records, if the client signs a waiver; and
6. To release records that directly relate to the suspected abuse, neglect, or exploitation as required by Section 261.303, Texas Family Code and Section 48.154, Human Resources Code, if the shelter made the report.

Note: PRS Regions and local shelters may agree to add additional items as appropriate.

B. PRS agrees to:

1. Contact the liaison or designee at the Shelter to request an interview with the client and/or children;
2. Expect Shelter staff to verify that the person requesting an interview is a CPS or APS caseworker;
3. Attempt to arrange an interview with the client and/or children at an agreed location; and
4. Interview any Shelter staff person who has first-hand knowledge of relevant information;

Note: PRS regions and local shelters may agree to add additional items as appropriate.

VII. CONFIDENTIALITY

Both PRS and the Shelter have strict confidentiality laws and rules governing the release of information. Both PRS and the Shelter, consistent with each of their laws and rules, agree to share information necessary to coordinate services and insure safety. In addition:

A. The Shelter agrees to provide information relevant to a PRS investigation or the delivery of services:

1. If the parent or covered adult has signed a release; or
2. If the Shelter staff reported the abuse, neglect, or exploitation.

B. PRS agrees to:

1. De-identify any information in the PRS record that reveals or tends to reveal the location of the Shelter or the client and/or children when they are or have been residing at a Shelter;
2. Only release information as provided by statute and PRS administrative rules, which include the following:
 - a. Information is not released until an investigation is closed; and
 - b. Information is not released until the record is de-identified as required by statute and PRS administrative rules, or as ordered by a court. (See Texas Family Code, §261.201, Confidentiality and Disclosure of Information; Title 40, Texas Administrative Code, Subchapter B, Confidentiality and Release of Records; and Human Resources Code, §48.101, Confidentiality and Disclosure of Information; Agency Exchange of Information.)

Note: PRS administrative rules already give PRS the authority to withhold information when the release of the information would endanger the life or safety of any individual.

VIII. LIAISONS

- A. The Shelter agrees to appoint an individual to serve as the shelter liaison with PRS to:
 - 1. Notify the designated PRS liaison when special factors in the client's (or children's) situation makes the normal PRS response time to reports of abuse, neglect, or exploitation insufficient to adequately protect the victims;
 - 2. Assist PRS with the development of a domestic violence safety plan and the PRS plans of service for adult victims of domestic violence and, when possible, perpetrators of domestic violence;
 - 3. Assist in resolving conflicts as described below; and
 - 4. Serve as the point of contact to address any general concerns between the Shelter and PRS.
- B. PRS agrees to appoint a CPS liaison and an APS liaison with the Shelter to:
 - 1. Facilitate an appropriate response time to reports of abuse, neglect, or exploitation in special cases;
 - 2. Coordinate with the shelter liaison and the CPS or APS caseworker in the development of a domestic violence safety plan and the PRS plan of service for adult victims of domestic violence and, when possible, perpetrators of domestic violence;
 - 3. Assist in resolving conflicts as described below; and
 - 4. Serve as the point of contact to address any general concerns between the Shelter and PRS.

IX. RESOLUTION OF CONFLICTS BETWEEN PRS AND THE SHELTER

- A. The Shelter agrees:
 - 1. If a conflict between the Shelter staff and PRS occurs, the Shelter staff person will first attempt to resolve the conflict with the APS or CPS caseworker.
 - 2. If the matter remains unresolved, the Shelter staff person will contact the designated Shelter liaison and inform his or her supervisor. The designated Shelter liaison will then contact the designated PRS liaison to work toward resolution.
- B. PRS agrees:
 - 1. If a conflict between PRS and the Shelter staff occurs, the APS or CPS caseworker will first attempt to resolve the conflict with the shelter staff.
 - 2. If the matter remains unresolved, the APS or CPS caseworker will contact the designated PRS liaison and inform his or her supervisor. The designated PRS liaison will then contact the designated Shelter liaison to work toward resolution.

X. INTERAGENCY TRAINING

The Shelter and PRS both agree that:

- A. Training concerning each agencies' programs is necessary for smooth cooperation between the Shelter and PRS;
- B. Each agency will participate in interagency training on a regular basis; and

XI. REVIEW OF MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding may be reviewed as needed and amended in writing upon mutual agreement. Either party may terminate this Memorandum of Understanding upon thirty days notice. This Memorandum of Understanding remains in effect until termination.

This Memorandum of Understanding is executed by the undersigned persons in their official capacities as stated below, to be effective the ____ day of _____, 200__.

3-10-2007

Terms used in the MEMORANDUM OF UNDERSTANDING have the following meanings:

Adult abuse, neglect, or exploitation – The abuse, neglect, or exploitation of an elderly or disabled adult as defined in Section 48.002 of the Human Resources Code.

APS – The Adult Protective Services division of the Texas Department of Protective and Regulatory Services charged with investigations of adult abuse, neglect, or exploitation.

Child – A person under the age of 18 who is not and never has been married or emancipated by a court.

Child abuse or neglect – The abuse or neglect of a child as defined in Section 261.001 of the Family Code.

Covered adult - An elderly person (age 65 or older) or disabled person, who is not a child, as defined in Section 48.002 of the Human Resources Code

CPS – The Child Protective Services division of the Texas Department of Protective and Regulatory Services charged with investigations of child abuse or neglect.

Domestic violence – See definition below for “family violence.” For the purposes of this MOU, “domestic violence” and “family violence” are the same.

Domestic violence safety plan - A verbal or written plan that identifies ways to promote the safety of domestic violence victims including preparation needed to separate from the batterer, identification of community resources and how to stay safe from future incidents of violence (whether prior to or after separation from the batterer).

Family violence – As defined by Section 71.004(1) of the Family Code, which states “An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.” For the purposes of this MOU, “domestic violence” and “family violence” are the same.

PRS - The Texas Department of Protective and Regulatory Services, the state agency charged with investigations of abuse and neglect of children and abuse, neglect, or exploitation of the elderly or disabled adults.

Shelter - A Family violence shelter center as defined by Section 51.002(1) of the Human Resources Code, which states “a program that is operated by a public or private nonprofit organization and that provides shelter and services to victims of family violence.”

Appendix 5:

Statutory Model Establishing a Multidisciplinary Team

CALIFORNIA PENAL CODE - SECTIONS 11163.3, 11174.6

11163.3.

- (a) A county may establish an **interagency domestic violence death review** team to assist local agencies in identifying and reviewing domestic violence deaths, including homicides and suicides, and facilitating communication among the various agencies involved in domestic violence cases. Interagency domestic violence death review teams have been used successfully to ensure that incidents of domestic violence and abuse are recognized and that agency involvement is reviewed to develop recommendations for policies and protocols for community prevention and intervention initiatives to reduce and eradicate the incidence of domestic violence.
- (b) For purposes of this section, "abuse" has the meaning set forth in Section 6203 of the Family Code and "domestic violence" has the meaning set forth in Section 6211 of the Family Code.

11174.6. County elder death review teams may be comprised of, but not limited to, the following:

- (a) Experts in the field of forensic pathology.
- (b) Medical personnel with expertise in elder abuse and neglect.
- (c) Coroners and medical examiners.
- (d) District attorneys and city attorneys.
- (e) County or local staff including, but not limited to:
 - (1) Adult protective services staff.
 - (2) Public administrator, guardian, and conservator staff.
 - (3) County health department staff who deal with elder health issues.
 - (4) County counsel.
- (f) County and state law enforcement personnel.
- (g) Local long-term care ombudsman.
- (h) Community care licensing staff and investigators.
- (i) Geriatric mental health experts.
- (j) Criminologists.
- (k) Representatives of local agencies involved with oversight of adult protective services and reporting elder abuse or neglect.
- (l) Local professional associations of persons

C. Information Sharing

The Health Facility Joint Protocol (HFJP) member agencies are responsible for sharing information (in accordance with the Privacy Rule [45 CFR Parts 160 and 164] of the Health Insurance Portability and Accountability Act of 1996) and distributing documentation among members regarding: 1) allegations of abuse, neglect and exploitation; 2) regulatory non-compliance; 3) violations of residents' rights in health care facilities; and 4) potential Medicaid fraud.

1. Referral of Allegations of Abuse, Neglect or Exploitation

- a. Each HFJP member agency will designate a contact person to share and receive information with/from the protocol members.
- b. Abuse, neglect or exploitation complaints and allegations will be provided to HFJP members within one (1) business day of receipt by the contact person through telephone and/or written referrals.
- c. HFJP member agencies will track the outcomes of investigations within each member's rules.
- d. Electronic communication among protocol members will be utilized when possible to improve the timeliness of information sharing with HFJP member agencies.
- e. Each HFJP member agency will refer complaints that are not under its authority/jurisdiction to the appropriate agency or agencies.

2. Investigations of Abuse, Neglect or Exploitation

- a. Investigations shall be conducted by each HFJP member agency, within the strict priority time frames established by each protocol member's rules.
- b. Whenever all HFJP members deem it necessary, there will be a coordinated investigation involving representatives from the entire HFJP membership.

3. Investigation Findings

- a. Each HFJP member agency will share its investigative information and findings with other agencies, unless otherwise prohibited by law.

4. Referring of Information of Findings to other Agencies

- a. HFJP member agencies will refer information of findings related to allegations of abuse, neglect or exploitation; regulatory non-compliance; and violations of residents' rights.
- b. The receiving member agency will accept the information as potential evidence to initiate and conduct investigations.
- c. HFJP member agencies will refer potential Medicaid fraud to the Human Services Department (MAD) after preliminary investigations are completed.

II. Health Facilities Joint Protocol Meetings

Regional Health Facilities Joint Protocol Meetings:

The Regional Health Facilities Joint Protocol membership consists of regional ombudsmen staff and volunteers, regional DHI surveyors and managers, local APS supervisors and social workers, and representatives of MAD. The identified regions are based on DHI districts. Regional protocol members will meet (in person as practical or through teleconferencing) monthly to discuss major community issues, trends in local facilities, current cases, problems associated with implementation of the joint protocol, etc. and develop a plan of action to address local issues. The Department of Health will have the responsibility of chairing the meetings and reporting issues of the meeting to the chair of the State Health Facilities Protocol.

State Health Facilities Joint Protocol Meetings:

The **State Health Facilities Joint Protocol** membership consists of representatives from the LTCOP, APS, DHI and MAD agencies who have knowledge of high profile issues, patterns, problems and investigations as well as an understanding of long-term care issues statewide. The State HFJP members will meet monthly to review the issues reported by the Regional HFJP members, examine the reports to identify statewide trends and systemic issues, and develop a plan of action to address issues. The Department of Health will have the responsibility of chairing the meetings.

III. Training of Members

- A. Each HFJP member agency shall assure that respective agency staff will receive periodic training about the HFJP purpose and operational guidelines.
- B. Each HFJP member agency will provide periodic training to members about its investigative procedures.